4984

SUPREME COURT OF THE UNITED STATES.

No. 246.

THE UNITED STATES, APP'TS,

vs.

ALICE MARSH.

APPEAL FROM THE DISTRICT COURT U. S. FOR THE NORTHERN DISTRICT OF CALIFORNIA.

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OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the Private Land Claims in the State of Cal'a.

Be it remembered, that on this anno Domini one thousand eight hundred and fifty, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of John Marsh, for the place named "Los Meganos," was presented, and ordered to be filed and docketed with No. 213, and is as follows, to wit:

(Vide page 4 of this Transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

SAN FRANCISCO, *February 25th*, 1853.

In case No. 213, John Marsh, for the place named "Los Meganos," the deposition of John Marsh, the claimant in this case, in his own behalf, taken before Commissioner Harry J. Thornton, was filed.

(Vide page 6 of this Transcript.)

SAN FRANCISCO, *Feb.* 26, 1853.

In the same case, the deposition of José Noriego, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, with document marked H. H. No. 1 annexed thereto, was filed.

(Vide page 8 of this Transcript.)

In the same case, the deposition of E. Frarel, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, was filed.

(Vide page 7 of this Transcript.)

SAN FRANCISCO, *Sept.* 29, 1853.

In the same case, the deposition of Thomas E. Evershed, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, was filed.

(Vide page 9 of this Transcript.)

In the same case, the deposition of Wm. E. P. Hartnell, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, was filed.

(Vide page 11 of this Transcript.)

SAN FRANCISCO, *Oct.* 24, 1853.

In the same case, the deposition of James A. Forbes, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, was filed.

(Vide page 12 of this Transcript.)

In the same case, the deposition of J. E. Whitcher, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, with a map marked Exhibit No. 1 A. F., and document marked No. 2 A. F., was filed.

(Vide page 15 of this Transcript.)

SAN FRANCISCO, *Dec.* 6, 1853.

In the same case, the counsel for the claimant read the papers in evidence, and opened the argument. Continued for further argument.

SAN FRANCISCO, *Dec.* 20, 1853.

In the same case, argument by the counsel for the claimant resumed and concluded. Case submitted and taken under advisement.

SAN FRANCISCO, *March* 14, 1854.

In the same case, Commissioner Alpheus Felch delivered the opinion of the board rejecting the claim.

(Vide page 63 of this Transcript.)

San Francisco, Aug. 15, 1854.

In the same case, on the motion of the United States law agent, the following order was made, to wit:

(Vide page 72 of this Transcript.)

Petition.

To the Honorable United States Commissioners for the adjudication of California Land Claims:

Your petitioner, John Marsh, of the county of Contra Costa, and State of California, respectfully represents to your honorable board, that he claims a certain tract of land called, known, and distinguished as the rancho "Los Meganos," containing four leagues from south to north, and three leagues from east to west, situated in the county of Contra Costa, in said State of California; that he claims the same in fee, by virtue of a grant made to José Noriego, of the city of San José, and county of Santa Clara, and State of California, under the authority of the Mexican government, by José Castro, superior political chief ad interim of Alta California, and as such authorized to make the concession, bearing date the thirteenth day of October, A. D. 1835, and approved by

the territorial deputations on the fifteenth day of October, A. D. 1835; and that by the force and effect of said grant, and the custom and usages of the then government, the said grantee was fully authorized to take possession of said land, which in fact he did as far as the Indian hostilities allowed; that from the date of said grant for several years thereafter no judicial or actual possession could be obtained because of the Indian disturbances, and the government failed to subdue said Indians, and that possession was taken as soon as practicable, and the said grantee being in said possession in the month of December, A. D. 1838.

Your petitioner would further represent that the said grantee did, in the month of December, A. D. 1838, sell, convey, and deliver possession of said land for a good and valid consideration to John Marsh, your petitioner aforesaid.

Your petitioner would further represent that the said grantee did, on the twenty-seventh day of March, A. D. 1852, by the deed of himself and Manuela Fernandez, his wife, of that date, duly executed, acknowledged, and recorded, ratify and confirm the sale and transfer aforesaid, and did convey and confirm to your petitioner all their right, title, and interest in said land.

Your petitioner would further represent that at the time of the grant to said Noriega, and subsequently at the time of the conveyance to your petitioner by said Noriega, and for several years thereafter, the aforesaid tract of land was thirty miles beyond the inhabited frontier, in the midst of a wilderness, and adjoined to no land owned by an individual or a mission.

Your petitioner would further represent that he has uninterruptedly resided upon, and been in the quiet and peaceable and undisputed possession of said tract of land for more than thirteen years, to wit, ever since said first sale and conveyance to him by said José Noriega, and that he has no knowledge of any interfering claim.

Your petitioner presents herewith the original grant of said land in the Spanish language, together with a translation of the same, and also the deed of José Noriega and wife, and will make further proof of title if required by the board.

Your petitioner prays your honorable board to take into consideration this claim to said tract of land and decree his title to be valid, and confirm the same.

And your petitioner, as in duty bound, will ever pray.

JOHN MARSH,
By S. P. WEBB,
His Attorney.

San Francisco, May 3, 1852.
Filed in office May 4th, 1852.

GEO. FISHER, *Sec'y.*

SAN FRANCISCO, *Oct.* 24, 1853.

In the same case, the deposition of James A. Forbes, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, was filed.

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Your petitioner would further represent that he has uninterruptedly resided upon, and been in the quiet and peaceable and undisputed possession of said tract of land for more than thirteen years, to wit, ever since said first sale and conveyance to him by said José Noriega, and that he has no knowledge of any interfering claim.

Your petitioner presents herewith the original grant of said land in the Spanish language, together with a translation of the same, and also the deed of José Noriega and wife, and will make further proof of title if required by the board.

Your petitioner prays your honorable board to take into consideration this claim to said tract of land and decree his title to be valid, and confirm the same.

And your petitioner, as in duty bound, will ever pray.

JOHN MARSH,
By S. P. WEBB,
His Attorney.

San Francisco, May 3, 1852.
Filed in office May 4th, 1852.

GEO. FISHER, *Sec'y.*

Deposition of John Marsh.

No. 213. SAN FRANCISCO, *February* 25, 1853.

On this day, before Commissioner H. J. Thornton, came John Marsh, the claimant in this case, No. 213, who, after being duly sworn, testifies and says as follows, the associate law agent of the U. S. being present.

I, John Marsh, of the county of Contra Costa, in the State of California, depose and say, that I am fifty-three years of age; that I have resided in this State of California since the first day of January, 1836. I purchased the rancho "Los Meganos" of José Noriega in the latter part of 1837, and I removed on to it in April, 1838. When I purchased the estate the said Noriega gave to me the original title-papers which had been given to him by José Castro of the said ranch in the year 1835. Those papers, with all my other valuable deeds, papers, and documents, were stolen from my house on said rancho. About the first of Sept., A. D. 1838, I was absent from my house on a journey to San José, leaving my house and farm in the care of the mission Indians, who were steady, trustworthy persons. On my return, and before I reached my house, I met my two Indians flying from my place; they were in great distress, and informed me of the robbing of my house by a band of robbers, and that the robbers had also stolen a number of my horses and had fled. On reaching my house I found that the story of my Indians was verified by the appearance of the house, and the entire destruction of *of* all my deeds, papers, and documents, and the destruction or carrying away of all my other property in the house. I found a great many fragments of the papers torn*ed* and defaced, so as to be entirely worthless. I could not repair them so as to make them intelligible. The said original title-papers from Castro to Noriega, Noriega's deed of said rancho to me, my diploma from Harvard college, and all my other papers and documents, were destroyed at that time. I further say that I followed on the trail of the robbers until I found where they had encamped for the night, about 8 miles from my house, by a spring of water; it was there where I found the fragments of the papers and torn clothing. It was there, as I judged from the appearance, the robbers had divided the plunder.

JOHN MARSH.

Sworn to and subscribed before me this 25 of Feb., 1853.

HARRY J. THORNTON,
Commissioner.

Filed in office Feb. 25, 1853.

GEO. FISHER,
Secretary.

Deposition of E. Fravel.

SAN FRANCISCO, *Feb.* 26, 1853.

On this day, before Commissioner Hiland Hall, came E. Fravel, a witness in behalf of the claimant, John Marsh, petition No. 213, and was duly sworn, his evidence being given in English.

The U. S. associate law agent was present.

In answer to inquiries by counsel for the claimant, the witness testified as follows:

My name is Ephraim Fravel; my age is forty-seven years, and I live in the town of San José. I have known the place called Los Meganos for about fourteen years. It is situated in the county of Contra Costa, on the river San Joaquin. Doct. John Marsh was in possession of the rancho when I first knew it; he had a house on the place, in which he lived, and he had a corral and a garden, and had cattle and horses. He has continued to occupy the place from that time to the present.

EPHRAIM FRAVEL.

Sworn and subscribed before me.

HILAND HALL,
Commissioner.

Filed in office Febr'y 26, 1853.

GEO. FISHER, *Sec'y.*

Deposition of Jose Noriega.

SAN FRANCISCO, *Febr'y* 26, 1853.

On this day, before Commissioner Hiland Hall, came José Noriega, a witness produced in behalf of the claimant, John Marsh, petition No. 213, and was duly sworn, his evidence being interpreted by the sec'y.

The U. S. associate law agent was present.

In answer to inquiries by counsel for the claimant the witness testified as follows:

My name is José Noriega; my age is fifty-three years, and I reside in the town of San José.

I applied to the governor of California for a tract of land called "Los Meganos," on the river San Joaquin, near its junction with the Sacramento, and obtained a grant for the same in the year 1835. I was living on the land and occupying it with a stock of cattle when the grant was made, and I continued occupying it until he sold John Marsh, towards the end of the year 1837.

When I sold the land to Doctor Marsh I delivered over to him the title-papers of the land. Doct. Marsh has occupied the land from that time to the present. In consequence of the loss by Doctor Marsh of his title-papers, I gave him a new conveyance of the land, dated the 27th day of March, 1852, which is now shown me, and which is part attached and marked H. H. No. 1.

In answer to inquiries by the associate law agent, the witness says that he never obtained judicial possession of the land, for the reason that in consequence of the hostility of the wild Indians, it could not be done without the aid of a military force.

JOSÉ NORIEGA.

Sworn and subscribed before me.

HILAND HALL,
Commissioner.

Filed in office February 26th, 1853.

GEO. FISHER, *Sec'ry.*

Deposition of Thos. E. Evershed.

OFFICE OF BOARD OF U. S. COMMISSIONER, &c., &c.

This day, before Commissioner Alpheus Felch, came Thomas E. Evershed, a witness in behalf of claimant, John Marsh, No. 213, who after being duly sworn, deposed as follows:

Questions by General James Wilson, Attorney for Claimant.

Question 1st. What are your name, age, and place of residence?

Answer. My name is Thomas E. Evershed; my age twenty-nine years; and I reside in San Francisco, in the State of California.

2d question. Are you a clerk in the office of the surveyor gen'l of the United States for California; and if so, have you charge of the archives of the former government of California, now deposited in that office?

Answer. I am clerk in the office of said surveyor general, and, as his deputy, have charge of the archives of the former Spanish and Mexican government in this State.

3d question. Is the paper or document which you now present here, marked on the outside page, "Espediente sobre el paraje nombrado Los Meganos solicitade por D. José Noriega," 30 c., an original document in the said archives?

Answer. I have looked over the document; it is an original, and belongs to said archives, and as such, is classified as No. 30 of complete espedientes in said archives.

4 question. Look on the document now here presented to you, marked B, espediente, and filed in this case, May 4th, 1852, as appears by the certificate of Geo. Fisher, secretary, on the back thereof, and say whether it is a true copy of the original document here presented and referred to in your last answer.

Answer. I have looked at the document, and find it to be a true traced copy of the original above mentioned.

THOS. E. EVERSHED.

Mr. Greenhow, associate law agent, was present at the taking of this depositions, but propounded no interrogatories.

Subscribed and sworn to before me at San Francisco, this twenty-ninth day of Sept., A. D. 1853.

ALPHEUS FELCH,
Com'r.

Filed in Office Sept. 29, 1853.

GEO. FISHER, *Sec'y.*

Deposition of Wm. P. E. Hartnell.

OFFICE OF THE BOARD OF U. S. COMMISSIONERS, &c., &c.

This day, before Commissioner Alpheus Felch, came Wm. E. P. Hartnell, a witness in behalf of claimant, John Marsh, No. 213, who after being duly sworn, deposed as follows:

Questions by Gen'l James Wilson, Att'y for Claimant.

1st question. What are your name, age, and place of residence?

Answer. My name is Wm. E. P. Hartnell; my age is fifty-five years; and reside at Monterey, in California.

2d question. Look at the document here shown to you, marked "Espediente sobre el paraje nombrado Los Meganos, solicitado por D. José Noriega," 30 c., being the original document referred to in the deposition this day given in your presence, in this case, by Thomas E. Evershed, and state whose handwriting, as they appear on said document, you are acquainted with, and if their signatures on said document are their genuine signatures?

Answer. I am acquainted with the handwriting of José Figuaroe and Francisco Castillo Negrete; their signatures appearing on the third page of said original are their true and genuine signatures. The signature of Father José Maria de Jesus Gonzales, on the fifth page, is the genuine signature of said Gonzales. The signatures of José Castro, Francisco del Castillo Negrete, on page eight, to a document dated Monterey, September 10, 1835, are their genuine signatures. The signature of David E. Spence, José Abrigo and José Maria Maldonado, where they appear on the ninth page, are their true and genuine signatures. The signatures of the three last named persons, and that of Francisco Perez Pacheco, on the tenth page, are their genuine signatures. The signature of said Spence, Abrigo and Maldonado, and that of Juan B. R. Cooper, on the eleventh page, are all their genuine signatures. The signatures of said Spence, Abrigo, and Maldonado, and that of Salin Pacheco, on the twelfth page, are their true and genuine signatures. The signatures of José Castro, appearing on the thirteenth page of said document, purporting to be dated at Monterey, on the thirteenth day of October, 1835, and signed by said Castro as political chief ad interim, is the true and genuine signature of said José Castro. The signature of Manuel Jimeno on the fourteenth page is the true and genuine signature of said Manuel Jimeno. The signature of Salin Pacheco on the fifteenth page, to a document dated October 15th,

1835, is the genuine signature of said Salin Pacheco. The signature of Manuel Jimeno on the sixteenth and last page of said document is the genuine signature of said Jimeno.

WM. E. P. HARTNELL.

Mr. Greenhow, associate law agent, was present at the taking of this deposition, but propounded no interrogatories.

Subscribed and sworn to before me at San Francisco, this 29th day of Sept., 1853.

ALPHEUS FELCH,
Commissioner.

Filed in office Sept. 29, 1853.

GEO. FISHER, *Sec'y.*

Deposition of James A. Forbes.

OFFICE OF THE BOARD OF COMMISSIONERS, &c. &c.

This day, before Commissioner Alpheus Felch, came James A. Forbes, a witness in behalf of claimant, John Marsh, No. 213, who after being duly sworn, deposed as follows:

Questions by Gen'l James Wilson, Att'y for the Claimant.

1 question. What are your name, age, and place of residence?

Answer. My name is James Alexander Forbes; my age is forty-eight years; and I reside at Santa Clara, in California; I have lived in California permanently since the year 1830.

2 question. Are you acquainted with Don José Noriega; if yea, how long have you known him?

Answer. I do know him, and have been acquainted with him during the last nineteen years.

3 question. Did you know of his procuring a grant of the rancho called "Los Meganos?" If yea, please state all that you know in relation to his procuring the grant; his occupying the land; building houses; the sale of the said rancho by Noriega; to whom sold; and the occupation thereof.

Answer. I know that he obtained a grant from the Mexican government of that rancho; I think it was in 1835, but am not positive of the year; I know that he took possession of the land immediately after he obtained the grant; we both resided and were merchants at that time in San José; he built a corral, and put cattle upon it immediately; he also immediately built houses on it suitable for himself and servants. He continued in possession of the tract until the year 1837 or 1839; I cannot be certain of this date; he then sold the place to Dr. John Marsh, who took possession of it, put a great many cattle upon it, made improvements upon it, and has continued in possession ever since, and lives there now.

4 question. Was you ever on the rancho while Noriega was in possession of it?

Answer. I was, several times.

5 question. To what use did Noriega put it, while he occupied the place?

Answer. He used it for the breeding of cattle, and cultivated a part of the land. I think he put down a vineyard also, but am not certain.

6 question. Have you been on the rancho frequently since Dr. Marsh purchased and has occupied it?

Answer. I have been on it since Dr. Marsh purchased, but have not been there so frequently as before he bought it. The last time I was there was in 1845; Dr. Marsh had a very large number of cattle there at that time, a large well constructed adobe house, several corrals, a vineyard, and cultivated grounds.

7 question. Will you state if you know any of the natural monuments by which that rancho is designated?

Answer. It is bounded on the north by the river San Joaquin, as far as the western point of some sand-hills or bluffs called Meganos; it is bounded on the west by lands adjoining these sand-hills, subsequently granted to Mesas; on the southwest and south by the dividing range of hills. The hills called "Las Cuevas" are in or near the southern boundary. The eastern is from these hills to the river San Joaquin.

8 question. After the time of the grant mentioned by you, was the rancho generally known and understood to belong to Noriega?

Answer. It was.

9 question. Has it been occupied by him and those claiming under him ever since that time?

Answer. It has. It has always been the residence of Dr. Marsh ever since he purchased it.

JAMES ALEXANDER FORBES.

Mr. Greenhow, associate law agent, was present at the taking of this deposition, but propounded no questions to the witness.

Subscribed and sworn to before me, at San Francisco, this 24th October, A. D. 1853.

ALPHEUS FELCH, *Com'r.*

Filed in office October 24th, 1853.

GEO. FISHER, *Sec'y.*

Deposition of J. E. Whicher.

OFFICE OF THE BOARD OF COMMISSIONERS, &c., &c., &c.

This day, before Commissioner Alpheus Felch, came J. E. Whicher, a witness in behalf of claimant, John Marsh, No. 213, who after being duly sworn, deposed as follows:

Questions by Gen'l James Wilson, Att'y for the Claimant.

1 question. What are your name, age, and place of residence?

Answer. My name, J. E. *Wheeler;* my age is thirty-six years; and I reside in Alameda county, California.

2 question. How long have you lived in California, and what is your occupation?

Answer. I have lived in California about three and a half ; my occupation is that of surveyor and engineer.

3 question. Are you acquainted with the rancho called "Los Meganos" claimed by Dr. Marsh; if yea, where is it situated?

Answer. I am acquainted with the rancho; it is situated between the San Joaquin river and Monte del Diablo; it is on the left bank of the river.

4 question. Have you a commission as deputy of the surveyor general of public lands in California?

Answer. I have.

5 question. Have you in that capacity ever made a survey of the rancho above mentioned; if yea, look at the map now here shown to you, marked Exhibit No. 1, with the initials "A. F.," annexed to this deposition, and state whether the same is a plat or map of the survey of said rancho made by you.

Answer. I made a survey of it in the said capacity. This map is a true representation of it as surveyed by me. The red lines on the map represent the exterior boundaries of the rancho as I surveyed it. I commenced at the extreme eastern point, and run in a northwestwardly direction along and near the edge of a riblar until I came to a tular; thence crossing the creek called Los Poblanos, I run along and near the edge of the tular to the sand-hills or Meganos; thence I run between the Meganos and the river to the point of the Meganos; thence I run southwardly towards the high hills until I came to the White Oak springs; thence I run southeastwardly along the hills towards a gap in the hills, in which a path lies, leading from the arroyo de los Poblanos to the Meganos, and in the other direction to San José. This line brought me to the southwest corner of the premises as laid down on the map; from that point I run nearly east to the place of beginning. The extent of the premises included in the survey is about four leagues north and south, and will average about three leagues east and west.

6 question. Are the natural objects referred to in the "Expediente" obvious and plain to be seen on the ground? If yea, name them, and state whether you made the survey in reference to them.

Answer. They are very obvious and unmistakable. The first mentioned is the Roblar, and there is no other the whole valley similar to it. The arroyo de los Poblanos runs through the Roblar. The chamisal mentioned in the expediente is found, and there is no other like it in the three counties formerly constituting Contra Costa county, to my knowledge. The Meganos at the point of

informar lo q'e me ocurra digo no haberse reconocido hasta hoy p'r terreno perteneciente a esta mision el que se solicita en este espediente.

Sobre las calidades del terreno y los requisitos prevenidos p'a q'e el interesado pueda ser atendido en su solicitud, nada particular de q'e convenga informar a V. S. ni tampoco la urgencia del interesado me permite tomar algunas noticias con que pudiera ilustrarse esta materia.

Mision de S. José, y Julio 27, de 1835.

FR. JÉ. MA. DE JESUS GONZ'Z.

[6 S. D. K.]

[*Here follows map; see original, page* 29.]

[7 S. D. K.]

Copia del documento de escepcion p'a salir fuera de la republica que ha presentado el Español D. José Noriega.

{ Armas de la Republica. }

Habiendo acreditado el Español D. José Noriega que tiene impedimento fisico perpetuo p'a salir de la republica i que en consequencia se halla comprendido en la escepcion de la primera parte del articulo 3o de la ley de 20 de Marzo, de 1829.

El presidente de los Estados Unidos Mexicanos en cumplimiento del articulo 9o de la misma dispone que el interesado pueda permanecer en la republica para la espresada causa i bajo la calidad prevenida en el citado articulo sobre residencia en las Costas i manda a todas las autoridades asi civiles como militares que no le pongan embarazo por razon de esta ley p'a que permanezca en el punto de la republica que le convenga a cuyo efecto se le espide el presente documento.

Palacio del gobierno federal en Mexico, a 30 de Marzo, de 1833.

D. O. D. S. E.

E. S. D. Ei del D. de R.

GONZALEZ.

Es copia: CASTILLO. Gratis.

[8 S. D. K.]

[Sello Tercero—Dos Reales.

Habilitado provicionalmente por la administracion de la aduana maritima de Monterey, de la Alta California, para los años de mil ochocientos treinta y cuatro, y mil ochocientos treinta y cinco.

FIGUEROA. A. RAMIREZ.]

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MONTEREY, *Setiembre* 10, *de* 1835.

Pase al S. alcalde de esta capital, ante quien la parte de Don José Noriega, hara una informacion de tres testigos idoneos que seran interrogados sobre los puntos siguientes:

Primero. Si el solicitante es C. Mexicano por nacimiento, si es casado y tiene hijos y si es buena conducta.

Segundo. Si el terreno que pretende pertenece a la propiedad de algun particular, mision ó pueblo, si es de regadio temporal ó abrevadero y que estencion tendra.

Tercero. Si tiene bienes de campo con que poblarlo ó posibilidad de adquirirlos. Evacuadas estas diligencias vuelva el espediente para su resolucion. El S. D. José Castro primer vocal de la E. diputacion territorial y gefe politico interino del territorio de la Alta California, asi lo mando, decreto y firmo, de lo que doy fé.

S'rio JOSÉ CASTRO.
F'CO DEL CASTILLO NEGRETE.

MONTEREY, *Setiembre* 12, *de* 1835.

[9 S. D. K.]

Notifiquese al interesado presente los testigos que se han de interrogar sobre los puntos que comprehende el antecedente superior decreto, reciban la informacion que se pide y f'ho, devuelvase al S. gefe sup'r politico para los efectos qe. haya lugar. El C. David E. Spence, alcalde 1o constitucional en la demarcacion de esta ciudad asi lo decrete, mande, y firme con testigos de ass'a.

DAV. E. SPENCE.

De ass'a: JOSÉ MARIA MALDONADO.
De ass'a: JOSÉ ABREGO.

En la fecha presente Don José Noriega, se le notifico el auto que antecede y entendido dijo; lo oye qe. presenta pa. qe. sean examinados a los Señores D. Juan Cooper, D. Salvio Pacheco, y D. Fran'co Pacheco, y lo firmo conmigo y los de ass'a.

JOSÉ NORIEGA,
SPENCE.

De ass'a: JOSÉ MARIA MALDONADO.
De ass'a: JOSÉ ABREGO.

En la f'ha presente D. Francisco Pacheco, se le recibio puramento en forma por el cual ofrecio decir verdad en lo que supiese y fuere pregun—

[10 S. D. K.]

[Sello Tercero—Dos Reales.

Habilitado provicionalmente por la administracion de la aduana

maritima de Monterey, de la Alta California, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

FIGUEROA. A. RAMIREZ.]

—tado, y siendolo por su nombre, estado, edad, patria y religion dijo; llamarse como queda d'ho que es casado, de cuarenta y cuatro años, natural de Guadalajara y C. A. R.

Preguntado por el tenor del interrogativo que se advierte en el antecedente superior decreto, dijo.

A lo 1o. Que el que solicita no es Mexicano por nacimiento; que no sabe si es casado y tiene hijos, y que es de buena conducta, y responde.

A lo 2o. Que el terreno que pretente no pertenece a propiedad ninguna y que lo conoce pr. valdio; que es de temporal y abrevadero, y que su estencion sera de tres leguas de largo y de ancho desde dos leguas hasta menos de media y contesta.

A lo 3o. Que ignora sitiene bienes de campo, pero que si es seguro tiene posibilidad de adquirir los suficientes para poblarlo; que lo d'ho es la verdad a cargo del juram'to qe. tiene hecho en lo que se afirmo y ratifico leida qe. le fue su declaracion y la firmo conmigo y los de ass'a.

FRANCISCO PEREZ PACHECO,
SPENSE.

De ass'a: JOSÉ MARIA MALDONADO.
De ass'a: JOSÉ ABREGO.

[11 S. D. K.]

Incontinente presente el C. Juan Cooper, presentado por la parte de Don José Noriega, yo el alcalde le recibi juramento en toda forma de d'ro bajo el cual ofrecio decir verdad en lo que supiere y fuese preguntado, y siendolo por su nombre, estado, edad, patria y religion dijo; llamarse Juan Baut'a R. Cooper, que es casado, de edad de cuarenta y tres años, natural de los Estados Unidos del norte, y C. A. R.

Preg'do por el mismo interrogatovio qe. lo fue el antecedente testigo dijo.

A lo 1o. Que el que representa no es ciudadano Mexicano por nacimiento; que ignora si es casado ó tiene hijos y que es de buena conducta y responde.

A lo 2o. Que el terreno que pretende no pertenece a propiedad ning'a que es de temporal y abrevadero, y su estencion es de dos y media a tres leguas de largo y de media hasta dos leguas de ancho y contesta.

A lo 3o. Que tiene hambas cosas del contenido de la pregunta; que lo dicho es la verdad a cargo del juramento que hecho tiene en

el que se afirmo y ratifico leida qe. le fue su declaracion y la firmo conmigo y los de ass'a.

JUAN B'TA R. COOPER.
SPENSE.

De ass'a: JOSÉ MARIA MALDONADO.
De ass'a: JOSÉ ABREGO.

En—

[12 S. D. K.]

[Sello Tercero—Dos Reales.

Habilitado provicionalmente por la administracion de la aduana maritima de Monterey, de la Alta California, para los años de mil ochocientos treinta y cuatro, y mil ochocientos treinta y cinco.
CASTRO. ANGEL RAMIREZ.]

—el mismo dia mes y año siendo presente el C. Salvio Pacheco, le recibi juramento qe. hizo en forma por el cual ofrecio decir verdad en lo qe. supiere y fuere preguntado, y siendolo pr. su nombre, estado, edad, patria y religion dijo; se llama como dicho, que es casado de edad de cuarenta as. natural de esta capital, y C. A. R.

Preg'do por el mismo estilo que le fueron los dos anteriores dijo.

A lo 1o. Que no es ciud'o Mexicano, pr. nacimiento, que no sabe si es casado, ni si tiene hijos, y que si es de buena conducta y resp'de.

A lo 2o. Que el terreno que pretende no pertenece a ninguna propiedad; que es de temporal y abrevadero, y que puede hacerse de regadio con la industria por tener arroyos de agua permanente; que su estencion sera (mas ó menos) de cuatro ó cinco leguas de largo y ancho de tres y responde.

A lo 3o. Que tiene bastantes bienes de campo; que lo dicho es la verdad a cargo del juramento que tiene hecho en el qe. se afirmo y ratifico leida qe. le fue su declaracion y la firmo conmigo y los de ass'a.

SALVIO PACHECO.
SPENSE.

De ass'a: JOSÉ MARIA MALDONADO.
De ass'a: JOSÉ ABREGO.

[13 S. D. K.]

En la f'ha concluida la informacion qe. se pide se debuelve al S'r gefe superior politico este espediente en cumplimiento de lo mandado en el antecedente auto y para constancia lo anoto y rubrico.

MONTEREY, 13 *de Oc'bre de* 1835.

Vista la peticion con que da principio este espediente, la infor-

macion del ayuntamiento del pueblo de San José Guadalupe, la esposicion de testigos, con todo lo demas que se tubo presente, y ver convino, de conformidad con los dispuesto por las leyes y reglamentos de la materia se declara al C. D. José Noriega, dueño en propiedad del terreno conocido con el nombre de "Los Meganos," librese el despacho correspondiente tomese razon de el en el libro a que corresponde y dirijase a la E. diputacion pa. su calificasion. El S. D. José Castro, primer vocal de la E. diputacion territorial, y gefe S'r politico interino de la Alta California, asi lo mando, decreto y firmo de que doy fé.

JOSÉ CASTRO.

Dr'o 12 ps.

[14 S. D. K.]

MON—

[Sello Tercero—Dos Reales.

Habilitado provisionalmente por la administracion de la aduana maritima de Monterey de la Alta California, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

ANGEL RAMIREZ.]

CASTRO.

TEREY, 14 *de Oc'bre, de* 1835.

En sesion de este dia se acordo por la ex'ma diputacion pase este espediente a la comision de terrenos valdios.

MAN'L JIMENO.

[15 S. D. K.]

EX'MO S'R: La comision de terrenos baldios impuesta del espediente que se mando practicar por solicitud que hace el ciudadano José Noriega del terreno nombrado "Los Meganos" no encontrando en el objecion alguna que hacer, siendo en todo conforme a la ley de 18 de Agosto, de 1824, como el articulo 5o del reglamento de 24 de Nov'e, de 1828, pone a la deliberacion de V. E. la sig'te proposicion.

Se aprueba la consecion hecha al ciud'o José Noriega del terreno nombrado Los Meganos consedido en 13 de Oc'bre, de 1835.

Monterey, 15 de Oc'bre, de 1835.

SALVIO PACHECO.

[16 S. D. K.]

MONTEREY, 15 *de Oc'bre, de* 1835.

En sesion de este dia aprovo la ex'ma diputacion el dictamen de la vuelta con su proposicion.

MAN'L JIMENO.

OFFICE OF THE SURVEYOR GENERAL
OF THE UNITED STATES FOR CALIFORNIA.

I, Samuel D. King, surveyor general of the United States for the State of Cal'a, and as such, now having in my office and under my charge and custody a portion of the archives of the former Spanish and Mexican territory or department of Upper California, do hereby certify that the sixteen pages of tracing paper preceding and hereunto annexed, numbered from one to sixteen, inclusive, and each of which is verified by my initials, (S. D. K.,) exhibit true and accurate copies of certain documents now on file, and forming part of the said archives in my office.

In testimony whereof, I have hereunto signed my name officially, and affixed my private seal (not having a seal of office) at the city of San Francisco, Cal., this 29th day of November, A. D. 1851.

SAM'L D. KING,
Sur. Gen'l Cal.

Filed in office May 4th, 1852.

GEO. FISHER, *Sec'y.*

"C."—*Translation.*

Espediente relative to the tract of land called "Los Meganos," petitioned for by Don José Noriega.

Sello Tercero—Third Seal—Two Reals.

Provisionally authorized by the administration of the maritime custom-house of Monterey, California, for the years 1834 and 1835.

A. RAMIREZ.

FIGUEROA.

To his Honorable Superior Political Chief:

Citizen José Noriega, a resident of this territory, before your honor, justice, do represent, that having resolved to settle in this country, and having some means to undertake the most common and productive pursuit in it, i. e. agriculture and the rearing of cattle, for which reason it is indisputable to possess some land upon which to bestow the capital I have, and for that purpose I have been for some days past engaged in examining a great portion of that bearing north and northeast of this settlement, so as to find out a vacant spot to carry on my projects. At last I found a place called "Los Meganos," the plat of which I herewith annex, having been informed that said land does not belong to any mission or private individual; the boundaries of which are on the east the Indians of Los Tulares; then in a straight line, including all the oak grove as far a tular; thence north, including the creek of the Poblano, which runs through the said grove, as far as a sandy hill situated on the point of a chamisal, (thicket,) bearing northeast; thence running south along the hills situated on the west, as far as the mountain called the mountain "De las Bul-

gones;" thence passing a little beyond the gap where crosses the path from the creek towards the sandy hills, following the slope of the adjoining hill there to be seen, leaving on the inside the little hill called "De las Cuebas;" thence in a straight line between south and east until it meets the line indicated in the beginning of the delineation of the place, the same comprising four leagues from south to north, and three from east to west.

Under which description, and assured that the aforementioned place does not belong, as I have stated before, to any mission or private individual, and as no one until now has petitioned for it, I would request your honor to deign to direct, agreeably to the usual forms, to grant me the property of the aforementioned "Los Meganos," and that judicial possession of it be given me in due form of law, in which I shall receive favor.

Monterey, July 24th, 1835.

(Signed) JOSÉ NORIEGA.

MONTEREY, *July* 25, 1835.

In conformity with the law upon the subject, let the ayuntamiento of the pueblo of San José Guadalupe report whether the interested party in this case possess the established requisites so as to provide for his petition, and whether the land he claims is within the twenty bordering leagues or the ten littoral ones, expressed in the law of August 18th, 1824; whether it belongs to the property of any private individual, corporation, mission or pueblo, with everything else concerning the matter, to elucidate the same.

These proceedings being done, let the same be referred to the Rev'd the Father minister of the mission of San José, to state what he may deem proper on the subject.

His honor, José Figueroa, brigadier general, commandant general, inspector and superior political chief, thus did command, decree, sign, which I attest.

JOSÉ FIGUROA,
FRANCISCO DEL CASTILLO.

NEGRETE, *Secretary.*

This illustrious ayuntamiento having examined minutely the petition of citizen José Noriega, as well as your honor's respected decree dated 25th July of the present year, in view of its provisions they have thought proper to make the following exposition, viz:

The land is irrigable, and contains watering places; it is not comprehended within the twenty border leagues, but is within the ten littoral leagues. Said land does not belong to any private in-

dividual, pueblo, or mission, the same being situated towards the Tulares.

Pueblo de San José Guadelupe, July 28th, 1835.

ANTONIO MARIA PICO.
JOSÉ BARREYEZA, *Secretary*.

Witness: YGNACIO MARTINEZ,
THOMAS PACHECO.

To his Honor the Superior Political Chief:

As by your honor's superior decree, dated the 25th inst., I have to inform what I may know, I have to state that until now it has not been acknowledged to belong to this mission—the land solicited in this espediente; as to the character of the land, and the requisites established to entitle the interested party to be heard in his petition, I know of nothing in particular to say to your honor, nor does the urgency of the party permit me to take some information to illustrate the same.

Mission de San José, July 29th, 1835.

(Signed) FATHER JOSÉ MARIA DE JESUS GONZALEZ.

Copy of the Document of Exception to enable the Spaniard Don Jose Noriega not to leave the Republic.

(Arms of the Republic.)

The Spaniard Don José Noriega, having accredited that a perpetual physical impediment prevents his leaving the republic, and that in consequence he comes under the exceptions of the first part of the article 3d of the law of March 20, 1829, the president of the United Mexican States, in conformity with article 9th of the same, directs that the interested party may remain in the republic for the reason expressed under the established qualification in said article relative to a residence on the coasts; and he commands all the authorities, civil as well as military, not to trouble him by reason of this law, and that he shall reside at any point of the republic he may deem best to his advantage, for which purpose the present document is now hereby issued to him.

Given at the palace of the federal government in Mexico this 30th day of March, 1833.

Given by order of his excellency the secretary of State and finance.

(Signed) GONZALEZ.

A true copy.

(Gratis) CASTILLO.

MONTEREY, *Sept. 10th*, 1835.

Let this be referred to the alcalde of this capital, before whom the petitioner, Dn. José Noriega, will produce the information of three competent witnesses, who will be interrogated upon the following points:

First. Whether the petitioner is a Mexican citizen by birth; whether he is married and has children, and whether he is of good conduct.

Second. Whether the land which he petitions for is the property of any private individual, mission, or pueblo; whether the land is irrigable, temporal, or pasture land, and what is its extent.

Third. Whether he owns any stock to put thereon, or whether there is any possibility of his acquiring it; all which being fulfilled, let the espediente be returned for its provision.

Señor Don José Castro, senior member of the territorial deputation, and political chief ad interim of the Territory of Alta California, thus did command, decree, and sign, to which I attest.

JOSÉ CASTRO,
FRANCISCO DEL CASTILLO NEGRETE,
Secretary.

Fees $4.

MONTEREY, *September* 12, 1839.

Notify the interested party to present the witnesses, which are to be interrogated upon the points comprehended in the preceding superior decree; let the information asked for be received; which being done, it shall be returned to his honor the superior political chief for such purposes as may be deemed convenient. Citizen David E. Spence, first constitutional alcalde of the district of this capital, thus did decree, command, and sign, with assisting witnesses.

DAVID E. SPENCE.

Ass't: JOSÉ MARIA MALDONADO,
Ass't: JOSÉ ABRIGA.

On the same date was notified to Dn. José Noriega, being present, the preceding decree, which he having understood, said he heard; and that he presents for examination Messrs. Juan Cooper, Salin Pacheco, and Francisco Pacheco, assisting witnesses, and signed the same with me.

DAVID E. SPENCE.

JOSÉ MARIA MALDONADO,
JOSÉ NORIEGA,
JOSÉ ABRIGA.

On the same date Don Francisco Pacheco, being present, was sworn in due form of law, by which he offered to state the truth to the best of his belief, and upon what he might be interrogated; and having been asked for his name, state, country, age, and religion, said that his name was as had been stated; that he is married, is forty-four years old, is a native of Guadalajara, and an Apostolic Roman Catholic. Being questioned upon the interrogatory contained in the superior decree preceding, he said:

1st. That the petitioner is not a Mexican by birth; that he don't know whether he is married or has any children; that he is of good conduct.

2d. That the land he petitions for does not belong to any one, and that he knows it to be valdeo (vacant;) that it is temporal and pastural land, and that its extent is about three leagues in length, and from two leagues to less than half a league in width.

3d. That he does not know whether he has any stock, but that he is certain he has the possibility acquiring a sufficient number to put thereon; that what he has stated is the truth, under the oath administered to him, which he affirmed and ratified after his declaration had been read to him, and he signed it with myself and the assisting witnesses.

SPENCE.

Ass't: JOSÉ MARIA MALDONADO.
Ass't: FRANCISCO PEROZ PACHECO.
JOSÉ ABRIGO.

Citizen Juan Cooper directly after having been presented by Don José Noriega, I, the alcalde, administered to him the oath in all due form of law, and under which he offered to state the truth to the best of his belief, and upon what points he might be interrogated, and being asked his name, State, age, country and religion, said his name was Juan Bautista R. Cooper, and that he is married; is forty-three years of age; was born in the United States of North America, and is Apostolic Roman Catholic. Questioned on the same interrogatory as was the preceding witness, he says:

1st. That the petitioner is not a Mexican by birth; that he does not know whether he is married or has any children.

2d. That the land he petitions for does not belong to any one; that it is temporal and pasture land, and that its extent is about two and a half or three leagues in length, and from one-half to two leagues in width.

3d. That he has both the requisites embraced in the questions; that what he has stated is the truth under the oath administered to him, which he affirms and ratifies after this declaration had been read to him, and he signed it with myself and the assisting witnesses.

(Signed) SPENCE.

Ass't: JOSÉ MARIA MALDONADO.
Ass't: JUAN B. R. COOPER.
JOSÉ ABRIGO.

On the same day, month and year, Salin Pacheco being present, was sworn in due form of law, by which he offered to speak the truth to the best of his belief, and upon what he might be interrogated, and being asked for his name, State, age, country and religion, said:

He was named as above stated; is married; is forty years old; a native of this capital, and Apostolic Roman Catholic. Questioned upon the same interrogatory as was the preceding witness, he said:

1st. That he is not a Mexican citizen by birth; that he does not know whether he is married or has any children; that he is of good conduct.

2d. That the land he petitions for does not belong to any one, and that he knows it to be temporal pasture land; and that it can, by proper industry, be made irrigable, because it has creeks containing running water.

3d. That he has sufficient stock; that what he has said is the truth under the oath administered to him, which he affirmed and ratified after his declaration had been read to him, and he signed it, myself and the assisting witnesses.

(Signed) SPENCE.

Ass't: JOSÉ MARIA MALDONADO.
Ass't: SALIN PACHECO.
JOSÉ ABRIGO.

On the same date, having taken the information requested, this expediente is returned to the superior political chief in compliance with the provisions of the foregoing decree.

In witness whereof, I note it down and sign it with my scroll.

Fees, $12. [Scroll.]

MONTEREY, 13 *October*, 1835.

Having examined the petition at the head of these proceedings, the information of the ayuntamiento del pueblo de San José Guadalupe, the exposition of witnesses, with everything else that was thought to bear upon the subject, in conformity with the requirements of the law and regulations in the matter, D'n José Noriega is hereby declared owner in fee of the land known by the name of Los Meganos. Let the corresponding patent he issued; let it be entered in the proper book, and transmitted to the exc't deputation for its qualification.

His honor José Castro, senior member of the exc't territorial deputation and superior political chief ad interim of Alta California, thus command, decree and sign, which I attest.

(Signed) JOSÉ CASTRO.

MONTEREY, 14 *of October*, 1835.

In the session of to-day the most exc't deputation agreed to refer these proceedings to the committee on vacant lands.

(Signed) MANUEL JINENO.

MOST EXCELLENT SIR: The committee on vacant lands having ex-

amined the proceedings at the instance of citizen José Noriega, relative to the parcel of land called *called* "Los Meganos," finding no objection whatever against it, and it being in conformity with the law of 18 of August, 1824, and the article 5th of the regulations of 21st of November, 1828, offer to your excellency's deliberation the following proposition:

They approve the concessions made to citizen José Noriega of the land called "Los Meganos," granted on the 13 October, 1835.

(Signed) LUIS PACHECO.

Monterey, 15 October, 1835.

MONTEREY, 15*th of October*, 1835.

In session of this day the most excellent deputation approved the foregoing opinion, with their propositions.

(Signed) MANUEL JIMENO.

I certify the foregoing to be a true and correct translation (with the corrections) of the Spanish document on file in this office in case No. 213—John Marsh, claiming the place named "Los Meganos."

GEO. FISHER, *Sec'y.*

Filed in office May 4th, 1852.

GEO. FISHER, *Secretary.*

E.—*Certificate of Ant'o Ma. Pico.*

I hereby certify that I was constituted alcalde of the pueblo de San José in the year 1835, in which year Don José Noriega obtained the grant of the rancho "De los Meganos," which at that time was within my jurisdiction, and that it was not possible for me to go there to give formal possession on account of the incessant hostilities of the wild Indians in that district, without a military escort, which I could not obtain.

ANTONIO MA. PICO.

Personally appeared before me, Thos. L. Vermule, a justice of the peace in and for the county of Santa Clara, and the town of San José, Antonio Maria Pico, to me personally known, who being sworn, says, that the matter set forth in the foregoing certificate is true to the best of his knowledge and belief.

THO'S L. VERMENLE,
Justice of the Peace.

San José, March 27th, 1852.

Filed in office May 11th, 1852.

GEO. FISHER, *Secretary.*

"D."—*Transfer.—Doc. H. H. No.* 1, *annexed to the Depo. of Jose Noriega, taken before Com'r Hiland Hall, February* 26, 1853.

H. H. No. 1.

This indenture, made and entered into this twenty-seventh day

of March, in the year of our Lord one thousand eight hundred and fifty-two, between José Noriega, of the city of San José, and county of Santa Clara, and State of California, and Manuela Fernandez, his wife, parties of the first part, and John Marsh, resident of the county of Contra Costa, and State aforesaid, of the second part, witnesseth: That whereas the José Noriega, in the month of December, A. D. 1838, did sell, convey and deliver possession, for a good and valid consideration by him at that time received for the said party of the second part, certain rancho or tract of land, now lying and being in the county of Contra Costra, and known and distinguished as the rancho "Los Meganos," and more particularly described in the original concessions thereof made to the said party of the first part by José Castro, gefe politico of Alta California, bearing date the 13th day of October, 1835, and the map thereof on file in the archives of Alta California, now in possession and custody of the United States, and reference whereunto is here made:

Now, therefore, in consideration of the premises, and of the sum of one dollar, paid by the said party of the said second part to the said party of the first part, the said party of the first part hereby ratifying and confirming the sale and transfer aforesaid, doth hereby convey and confirm unto the said party of the second part, his heirs and assigns, or other legal representatives, forever, all the right, title, and interest heretofore vested in the said party of the first part, or either of them, by virtue of the aforesaid grant and concessions, to the premises hereinbefore described or referred to: to have and to hold the same, together with all the rights, privileges and appurtenances, free from any claim or incumbrance of the said party of the first part, unto the said party of the second part, his heirs and assigns forever.

In testimony whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

JOSÉ NORIEGA, [SEAL.]
MAMELA FERNANDEZ. [SEAL.]

STATE OF CALIFORNIA,
County of Santa Clara.

On this 27th day of March, A. D. 1852, personally appeared before me, a notary public in and for the county aforesaid, José Noriega, and Manuela Fernandez his wife, known to me to be the persons described in and who executed the foregoing conveyance, and who signed the same in my presence, and the contents therein being explained to them by a competent and sworn interpreter, the said José Noriega, acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned; and the said Manuela Fernandez, being examined by me, separate and apart from her said husband, acknowledged to me that she executed the same freely and voluntarily, without com-

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pulsion or undue influence on the part of her husband, and for the uses and purposes therein mentioned.

Given under my hand and private seal, (no official seal having yet been provided,) at the city of San José, the day and year first above written.

THOS. L. VERMALE, [SEAL.]
Notary Public.

Filed for record 30th March, 1852, at ½ past 10 o'clock a. m. Recorded immediately, vol. 2, book of Land Titles, page 8.

THOS. A. BROWN,
Co. Recorder.

Filed in office May 4th, 1852.

GEO. FISHER, *Secretary.*

[*Here follows map—see original, page* 50.]

Exhibit No. 2, *annexed to Deposition of J. E. Whitcher.*

U. S. SURVEYOR GENERAL'S OFFICE,
San Francisco, Cal., May 24th, 1853.

SIR: The attorney of John March has requested this office to have you appointed to make a preliminary survey of a tract of land lying on the San Joaquin river, to the extent of four leagues north and south, and three leagues east and west. Agreeably to his wishes, you are hereby appointed to execute an initiary survey of that tract.

In the archives of this office there is an expediente or record in relation to the claim referred to by John Marsh, attorney; the said record purports to contain a decree in which José Noriega is declared owner of a tract of land, known by the name of "Los Meganos," but neither the extent nor the boundaries of the tract are mentioned therein.

In his petition, however, José Noriega describes the bounds of said tract as follows, viz:

On the east it is bounded by land of the Tulare Indians; thence along the whole length of an oak grove, as far as a tular; thence turning northward, crossing the creek of "Los Poblanos," which runs through said oak grove, and running as far as a migano, (meaning probably a sand-hill or bank, situated at the extreme point of a chamisal brush marsh,) lying on the northward and eastward. From this point southerly all along the hills lying westward of the tract as far as a mountain called Los Bulbones, and passing a little beyond the gap through which lies a path running from the arroyo towards the Meganos; thence descending the immediate hill, there to be run, and bearing inside the cerito of las Cueras; drawn a straight line southward and eastward until it meets the one indicated in the beginning of the description of the

tract, the whole of which amounts to four leagues south and north, and three leagues east and west. For the better understanding of the above description, I herewith enclose a fac simile copy of the sketch which accompanies the petition of Noriega. Furthermore, the three witnesses appointed by order of the acting governor to report upon Noriega Merites in the case, and the quantity, extent, &c., of the tract in question, state as follows:

The first says that the tract is arable, and contains watering places, and its extent may be three leagues in length, and from two to less than half a league in width; the second witness states that it is from two and a half leagues to three leagues long by two in width; and the third witness says that it may be four or five leagues in length and three in breadth.

Before executing the survey, you will, if advised of there being any adjoining claimants under alleged Spanish or Mexican titles, notify them in writing of the time when you will be running any line in which they may be interested, and you will make full and accurate entries in your field-book of any objections which may be made to any of the lines, and return to this office any protest or documents which may be offered to you for that purpose. You will also survey and return the notes of any lines which any opposing parties may contend to be the true lines of separation, and for which they may be willing to compensate you; and where any *time* is an agreed line, that fact must be noted, as also the names in full of the persons consenting thereto.

You will establish each corner, and mark each line in the manner required in executing the public surveys, except, that instead of making your posts and bearing-trees with sectional numbers, you will designate them with the letters J. M., and number the corner posts in regular numerical order.

Your field-book will be kept in the same manner, and furnish all the information required in performing public work, carefully noting the variations of the needle, to ascertain which you should make frequent observations.

The survey must be made with reference to the meridian, and by chains and links, testing your chains by the standard in this office before you proceed to the work.

You should be particular in your running and calculations, so as to preclude the necessity of a revision of the work in the field at any time hereafter.

Yourself and assistants will qualify in the same manner as if executing public work, and the evidence thereof returned with your notes.

The notes to be accompanied by an accurately protracted map of the survey, on a scale of 40 chains to the inch, and also by all observations and calculations in detail having reference to the ascertainment of any line, or the area of the tract.

Understanding that you have made an arrangement with the claimant as to your compensation, it will only be necessary for me to state, that under no circumstance will this office be responsible for, or compensate you for, any service connected with the execution of the order.

You will consider the square league to contain 4,340 and $\frac{211}{1000}$ acres.

One or more of the lines of your survey should be connected with one or more points *if* any one line or lines of the general survey of the public lands.

It is to be expressly understood that by authorizing this survey it is only intended to comply with the wishes of the parties, or intended to exhibit a survey of the lands they claim, and not as expressing any opinion whatever on the part of this office as to the merits or validity of the claim.

Very respectfully, &c.,
SAMUEL D. KING,
S'r Gen'l Cal.

Mr. JEREMIAH E. WHITCHER,
Present.

Filed in office Oct. 24, 1853.
GEO. FISHER, *Secretary.*

Communication of Surveyor General covering field-notes of survey and map.

U. S. SURVEYOR GEN'L'S OFFICE,
San Francisco, Cal., December 10th, 1853.

Honorable Board of U. S. Land Commissioners for California:

GENTLEMEN: At the request of John Marsh, who claims a tract of land called "Los Meganos," an initiary survey of said tract was ordered by Samuel D. King, esq., my predecessor. Returns of the survey having been made to this office, and found to be in conformity to his instructions, I herewith enclose a copy of the field-notes and map thereof, agreeably to the wishes of the claimant.

Very respectfully, your obedient servant,
JOHN C. HAYS,
U. S. Sur. Gen'l Cal.

Filed in office Dec. 10th, 1853.
GEO. FISHER, *Sec'y.*

Field-notes of Survey.

Copy of Field-notes of an initiary survey of the Rancho de los Meganos, by J. C. Whitcher, Deputy Surveyor.

Oaths.

I, J. E. Whitcher, having been appointed a deputy surveyor of

the lands of the United States in the State of California, do solemnly swear, that I will well and faithfully, and to the best of my skill and ability, and according to the laws of the United States and the instructions of the surveyor general, perform the duties so confided to me, as I shall answer to God at the great day.

(Signed) J. E. WHITCHER.

Sworn to and subscribed before me at Oakland, Alameda county, in the State of California, this 15th day of Aug'st, A. D. 1853.

(Signed) A. M. BROCKELBANK,
Notary Public.

We, P. L. Hill and W. P. Bovay, having been appointed chainmen in the service of J. E. Whitcher, deputy surveyor in California, do solemnly swear, that in all surveys of public lands or private land claims in which we shall be so employed, *that* we will level the chain in measuring over uneven ground, and well and truly plant the tally-pins, whether sticking or dropping the same, and that we will report the true distance to all notably objects, and the true lengths of all lines that we may assist in measuring, and will make correctly and distinctly the letters and numbers of all corners that we may be required to make, and that we will faithfully act as required by said deputy from time to time in planting the corner boundaries, whether the same be posts or mounds, either of earth or stone, together with such other services as we shall be called to perform by said deputy in the discharge of his surveying duties, to the best of our skill and ability. So help us God.

(Signed) P. L. HILL.
(Signed) W. C. BOVAY.

Sworn to and subscribed before me at San Francisco, county of San Francisco, in the State of California, this 23d day of August, A. D. 1853.

(Signed) JNO. VANDEWATER,
Notary Public.

I, Ramon Miranda, having been appointed a flag-bearer in the service of J. E. Whitcher, deputy surveyor in the State of California, do solemnly swear, that in all surveys of public lands or private land claims, in which I shall be so employed, *that* I will well and truly perform the duty of a flag-bearer, and that I will otherwise faithfully act as required by said deputy, from time to time, in planting the corner boundaries, whether the same be posts or mounds, either of earth or stone, together with such other services as I shall be called to perform by said deputy in the discharge of his surveying duties, to the best of my skill and ability. So help me God.

his
RAMON ⋈ MIRANDA.
mark.

Sworn to and subscribed before me, at Martinez, county of Contra Costa, in the State of California, this 23d day of August, A. D. 1853.

(Signed) THOMAS H. BROWN,
County Clerk.

I, Edward Price, having been appointed a chairman in the service of J. E. Whitcher, a deputy surveyor in California, do solemnly swear, that in all surveys of public lands or private land claims in which I shall be so employed, *that* I will level the chains in measuring over uneven ground, and well and truly plant the tally-pins, whether sticking or dropping the same, and that I will report the true distance to all notable objects, and the true length of all lines that I may assist in measuring, and will mark correctly and distinctly the letters and numbers of all corners that I may be required to mark, and that I will faithfully act as required by said deputy from time to time in planting the corner boundaries, whether the same be posts or mounds (either of earth or stone,) together with such other services as I shall be called to perform by said deputy in the discharge of his surveying duties, to the best of my skill and ability. So help me God.

(Signed) EDWARD PRICE.

Sworn to and subscribed before me at Brentwood, at Contra Costa county, in the State of California, this 1st day of September, A. D. 1853.

(Signed) J. E. WHITCHER,
Deputy Sur.

Field-notes of the initiary survey of the Rancho "De los Meganos," claimed by Dr. John Marsh, commenced 24th August, 1853, and completed 10th September, 1853, by J. E. Whitcher, deputy surveyor.

RANCHO DE LOS MEGANOS, *Monday, Aug. 23d*, 1853.

I ascertained that a grant is claimed on the west, and another on the south. Proceeded to notify the claimants of the day when I shall run the lines on the sides contiguous to their claims. Mr. Murry, claiming on the west, promised to attend, but failed to do so. Mr. Noriega, who claims a sobrante, did not answer.

Chs.	Lks.	
North		Retraced line between sect. 7 and 12, township 1 north, between ranges 2 and 3 east of the Mount Diablo meridian. Variation 15° 48′ E.
39.	90	To ¼ sec. corner.

Field-notes—Continued.

Chs. Lks.	
79.90	To corner to sect. 1, 6, 7, and 12; thence, August 24th—
North	Between sect. 1 and 6.
19.00	To thick chamizal offset east 8.00 ch's; thence north 141.00 ch's; thence west 8.00 ch's back to line at the corner of sect. 25, 30, 31, and 36, of township 2 north, ranges 2 and 3 east; at 30 ch's north of corner to sect. 1, 6, 7, and 12, passed a mustang corral 8 ch's E. of range line.
	Rancho de los Meganos.
North	Between sect. 25 and 30.
50.00	Road from Marsh's to Stockton; iron house bears S. 55° E. about 25 ch's.
80.00	Corner to sect. 19, 23, 24, and 30; the last three miles is worthless sandy cañons and brushy.
North	Between 19 and 24.
15.00	Triple oaks 8 inches each in diam.
46.80	Set a post near the edge of the tulare; 2d rate rolling prairie.
	Rancho de los Meganos. Beginning at an oak tree (roble) 40 in diam., marked J. M. No. 1. This tree is on the outskirt of the oak grove referred to in the instructions of the surveyor general to me, as an extract from the original papers, and is also on the edge of the tulare plains. It bears S. 41° W., 36.55 ch's from the ¼ sect. corner in the base line between sect. 2 and 35 of range 3 east.
North	Thence along and near to the border of the timber on the left, and the plains of the tulare on the right.
N. 11° W.	
137.94	To an oak 24 in. diam., marked J. M.; at 50 ch's enter low brushes, very salt, called Mattrial; at 80 ch's leave same; extends to the west about ½ a mile; thence—
N. 49° E.	
105.75	At seventy ch's, corral about 15 ch's north, used for marking and branding cattle.
N. 59¼ W.	

Field-notes—Continued.

Chs. Lks.	
45.70	To an oak 18 in. diam., marked J. M.; at 10 ch's, a pond and tulares, 3 ch's wide.
N. 7½° W.	
	Rancho de los Meganos.
108.80	To an oak 15 in. dia., marked J. M.
N. 20¼° W.	
5.60	To an oak 12 in. dia., marked J. M.
N. 23¼° W.	
14.25	To an oak 20 in. diam., marked J. M.
N. 25¼ W.	
31.50	To an oak 18 in. diam., marked J. M.
N. 30¾° W.	
62.42	To an oak 15 in. diam. marked J. M.
	August 26th, 1853.
N. 32° W.	
154.00	To an oak 16 in. diam.
N. 58¾° W.	
74.50	At 58 ch's, an oak 18 in. diam.; a rodea bears S. W. about 40 ch's.
N. 40½° W.	
81.29	
N. 66½° W.	
6.00	
N. 41°.00	
90.00	To a slough—this place is called Old Embarcadero; thence down slough on left bank.
N. 85° W.	
1.55	To the tulare; thence along the edge of the tulare.
South	
23.59	
West	
18.85	To the post which I set in the range line, 46.80 ch's north of the corner to sect. 19, 23, 24, and 30, in townsip 2 north, between ranges 2 and 3 east of Mount Diablo meridian, on the 25th August, 1853; thence—
S. 64° W.	
68.20	
N. 55½° W.	Rancho de los Meganos.
73.50	At 25 ch's Adam S. Small appeared and objected to the survey on the following grounds, to wit: he claims a squatter's right to 160 acres, and

Field-notes—Continued.

Chs. Lks.	
	says he believes it to be government land. At 73.50 ch's John G. Perkins appeared and made similar objections as above.
N. 62½° W. 97.00	At 5.00 ch's, enter a squatter's field; at 15.00 ch's leave same; at 40 ch's, Jas. Short appeared and objected as above. At 80.00 ch's James Dobbinsfiek appeared and objected as above; he also made a similar objection for his partner, Henry J. Mugan.
N. 78¾° W. 84.04	To the corner of the garden fence; at 35.00 chs. Jacob Burnett and D. C. Smith appeared and objected as above. From the end of this corner, the ¼ sect. corner, between sect. 21 and 28, bears north 80 chs.; thence—
N. 14°.37W. 41.00	At this place I intersected the left bank of the San Joaquin river; thence down stream.
	August 29th.
S. 70° W. 64.00	At 2 chs., a wharf about 200 feet long; a slaughter-house at the end. This place is called Marsh's landing. At this place Gilbert Leonard appeared and objected to the survey, and gave the same reason that all the others gave. At 5.00 chs. a two-story house. At this place I begin to pass the sand-hills, (meganos.) It is from these that the rancho derives the name, "Rancho de los Meganos."
	Rancho de los Meganos.
N. 85⅕° W. 120.90	To the point of the sand-hills, and enter a garden made by Mr. S. Fuller, a tenant of Dr. Marsh's. At 115.00 chs. passed a sheepfold, 3 chs. at the south.
S. 11° W. 221.18	At 3 chs. set post 6 inches square 2½ ft. in the ground, and 2½ ft. out of the ground, from which an oak 15 in. diam. bears S. 13½° E. 243 lks.; an oak 30 in. diam. bears N. 79° E. 175 lks.

Field-notes—Continued.

Chs.	Lks.	
		The trees are marked J. M. B. T. The post is marked J. M. No. 2. From this post the corner to sect. 13, 18, 19, and 24 bears S. 18° 45′ W. 26.41 chs.; the post could not be well set at the corner, therefore set it at 3 chs. distant along this line. At 6 chs. leave garden; a house stands in the garden; a piggery is at the east of the garden. At 6.50 chs. enter tulares. " 8.00 " stream 20 chs. west. " 18.00 " leave tulare S. E. and N. W. " 26.50 " enter " E. and W. " 28.50 " leave same E. and W. " 160.00 " to the hills E. by N. and W. by S. " 221.18 " corner on an oak 15 in. diam., marked J. M. No. 3. The above line is supposed to be the boundary between Dr. Marsh's rancho and that called the New York rancho. From this corner the White Oak springs bears N. E. about 10 chs.
		Sept. 3d, 1853.
S. 27°.18 E.		Rancho de los Meganos.
706.96		To an oak 40 in. dia. for the 4th corner, marked J. M. No. 4. At 80 chs. a large valley E. and W. " 141 " top of hill. " 158 " West Water stream 50 lks. wide, corner S. E. by E. at the foot of the hill. This valley is called the Lone Tree valley. At 209 chs. top of hill. " 230 " enter scattering oak timber E. and W. " 254 " enter valley, called Horse valley. " 280 " leave same. " 325 " top of hill. " 339 " enter Deer valley. " 394 " foot of hills, and leave Deer valley S. E. by E. and N. W. by W. At 425 chs. top of hill. " 439 " enter small valley.

Field-notes—Continued.

Chs. Lks.	
	At 454 chs. top of ridge.
	" 463 " enter Breones valley.
	" 531 " top of hill.
	" 650 " enter valley.
	" 680.50 chs. arroyo de los Pablones N. E. 50.
	At this time there is water in places.
	The gap through which runs a path bears S. 12° E. 3 miles 51.50 chs. distant from this corner.
	The Cerito de la Cuaba bears S. 45° E. 185.60 chs. over a succession of eight hills from the gap.
	The ¼ sect. corner in the base line between sect. 2 and 35 of range 2 east, bears south 11.67 chs.; thence—
S. 36° W.	
107.20	
N. 85½° E.	
	Rancho de los Meganos.
512.40	And set post marked J. M. No. 5, from which an oak 40 in. diam. bears N. 30° E. 30.50 chs.
	At 30.00 chs. road along the old path, which *which* path goes through the gap.
	At 80.00 valley.
	" 100.00 foot of the hill.
	" 130.00 top of the hill.
	" 140.00 valley.
	" 158.00 stream of water in places. Corral about 5 chs. north.
	At 183.00 chs. sect. corner bears north 74 chs., and leave valley.
	" 200.00 chs. road to Stockton.
	Sept. 7th, 1853.
	This morning I find the diurnal variations to have changed 20′.
	At 320.00 chs. enter the plains.
	" 405.00 " to point of timber most of the grove to the south.
	" 512.40 chs. to the corner.
N. 30° E.	
30.50	To the place of beginning. August 8th, 1853.

General Description.

There is about 6,000 acres of brush-wood and sandy land on this rancho that is altogether worthless. There is also 3,000 or 4,000 acres of very high and steep hills that is of but little value.

The Lone Tree valley, the Horse valley, Deer valley and Brione's valley, contain most excellent land. At the iron house is some first-rate land.

There is another piece of first-rate land at the eastern part of the plains, near the timber; another piece of fine land along the creek below Dr. Marsh's house. The "Arroyo de los Poblanos" (the creek of the villages) derives its name from some Indians' villages which were located on this creek, above where Dr. Marsh lives. The stream rises in Monte del Diablo, and runs N. easterly through nearly the centre of the farm and wastes in the tulare. It contains living water in *general* places.

The meganos, (sand-hills,) from which the rancho derives its name, extend from Marsh's landing to the N. W. corner of the grant about two miles, and in some places from 100 to 200 feet high, and are covered with brush. There is a slaughter-house, a dwelling-house, and a metallic house at the landing. There is plenty of good oak timber on a large share of the grant. There are some springs among the hills; the most of them are saline and alkaline.

(Signed) J. E. WHITCHER,
Deputy Surveyor.

We hereby certify that we assisted J. E. Whitcher, deputy surveyor, to survey the rancho "De los Meganos," owned by Dr. John Marsh, in the San Joaquin valley, and that the said rancho has been in all respects, to the best of our knowledge and belief, well and faithfully executed, and the boundary monuments planted according to the instructions furnished by the surveyor general.

(Signed) P. L. HILL,
(Signed) EDWARD PRICE.

Sworn to and subscribed before me, this 9th day of September, A. D. 1853, at Brentwood, Contra Costa county, Cal.

(Signed) J. E. WHITCHER,
Deputy Surveyor.

I, J. E. Whitcher, deputy surveyor, do solemnly swear that in pursuance of the instructions of S. D. King, surveyor general of the public lands of the United States in the State of California, bearing date the 24th day of May, A. D. 1853, and in strict conformity to the laws of *the laws of* the U. S. and the instructions furnished by said surveyor general, I have faithfully surveyed the "Rancho de los Meganos," situated in the San Joaquin valley and east of the Mount Diablo meridian, in the State aforesaid; and do

further solemnly swear that the foregoing are the true and original field-notes of such survey.

(Signed) J. E. WHITCHER,
Dep. Surveyor.

Subscribed by said J. E. Whitcher, dep. surveyor, and sworn to before me, at San Francisco, this 27th day of September, 1853.

(Signed) L. W. SLOAT,
Notary Public.

U. S. SURVEYOR GEN'L'S OFFICE,
San Francisco, Cal., November 23d, 1853.

The foregoing notes of an initiatory survey of the tract of land called "Los Meganos," claimed by John Marsh, have been examined from the expediente in the matter on file in this office. It appears that the extent and boundaries of said tract are mentioned only in the memorial of the original petitioner, but in no other instance are they stated by the proper authorities in the aforesaid expediente, according to the returns herewith made of the survey. The land mentioned comprises $52{,}083\frac{157}{1000}$ acres, equivalent to twelve sitios de ganado mayor. The survey having been executed agreeably to the extent and within the metes and bounds therein mentioned, is hereby approved, so far only as a preliminary survey, made at the request of the parties claiming the land, but not as expressing any opinion as to the merits or validity of the claim.

(Signed) JOHN C. HAYS,
U. S. Sur. Gen'l, Cal.

U. S. SURVEYOR GEN'L'S OFFICE,
San Francisco, Dec. 10th, 1853.

The foregoing is a correct copy of the original, on file in this office.

JOHN C. HAYS,
U. S. Sur. Gen'l, Cal.

Filed in office Dec. 10th, 1853.

GEO. FISHER, *Sec'y.*

[*Here follows map; see original, page* 66.]

This plat of a tract of land called "Los Meganos," claimed by John Marsh, delineated from the full notes of an initiatory survey executed by S. E. Witcher, has been examined. According to the survey, the same comprises $52{,}083\frac{158}{1000}$ acres, equivalent to twelve "sitios de ganado mayor."

The survey and map are approved, so far only as a preliminary admeasurement made at the request of the parties claiming the land, but not as expressing any opinion as to the merits or validity of the claim.

JOHN C. HAYS,
U. S. Surv. Gen'l, Cal.

U. S. Surveyor General's office, San Francisco, Cal., November 23d, 1853.

Opinion of the Board by Commissioner Alpheus Felch.

JOHN MARSH vs. THE UNITED STATES. } For the place called Los Meganos, in Contra Costra county, containing twelve square leagues of land.

The petitioner alleges that the land claimed was originally granted to José Noriega, and subsequently conveyed to him by said grantee.

The grant is alleged to have been made by José Castro, superior political chief ad interim, on the 13th day of October, 1835.

It is also alleged in the petition that the grantee sold and conveyed the premises to the petitioner in the month of December, 1838.

No deed of conveyance of that date is presented, but a deed of release of the premises, containing an averment that such former conveyance had been made, is given in evidence, bearing date the 27th day of March, 1852. This deed conveyed to the present claimant all the interest which the original grantee had in the premises at the time of its execution.

The grant to Noriega is not presented. That a grant of the land was made to him *is* alleged in the petition, however, is fully shown by the testimony of Noriega, the grantee, whose deposition is filed in the case; and also by the testimony of James A. Forbes. The grant, it appears, was delivered by Noriega to the present claimant when he purchased the premises in 1837.

The affidavit of the claimant shows that the title-paper issued by the political chief was destroyed by some persons who plundered his house on the premises in September, 1838. The existence of the original grant, its possession by the grantee, the fact of its delivery to the present claimant, and its loss or destruction without his procurement or consent, are thus fully established.

In order to determine as to the rights of parties under it, we must next inquire what were the contents of the grant. Two points as to the contents especially require consideration: the first relates to the description and quantity of the land granted; the second to the conditions imposed on the grantee. As to the latter, however, the proof shows a settlement upon and cultivation of the premises by the grantee immediately after the grant, and a con-

further solemnly swear that the foregoing are the true and original field-notes of such survey.

(Signed) J. E. WHITCHER,
Dep. Surveyor.

Subscribed by said J. E. Whitcher, dep. surveyor, and sworn to before me, at San Francisco, this 27th day of September, 1853.

(Signed) L. W. SLOAT,
Notary Public.

U. S. SURVEYOR GEN'L'S OFFICE,
San Francisco, Cal., November 23d, 1853.

The foregoing notes of an initiatory survey of the tract of land called "Los Meganos," claimed by John Marsh, have been examined from the expediente in the matter on file in this office. It appears that the extent and boundaries of said tract are mentioned only in the memorial of the original petitioner, but in no other instance are they stated by the proper authorities in the aforesaid expediente, according to the returns herewith made of the survey. The land mentioned comprises $52{,}083\frac{157}{1000}$ acres, equivalent to twelve sitios de ganado mayor. The survey having been executed agreeably to the extent and within the metes and bounds therein mentioned, is hereby approved, so far only as a preliminary survey, made at the request of the parties claiming the land, but not as expressing any opinion as to the merits or validity of the claim.

(Signed) JOHN C. HAYS,
U. S. Sur. Gen'l, Cal.

U. S. SURVEYOR GEN'L'S OFFICE,
San Francisco, Dec. 10th, 1853.

The foregoing is a correct copy of the original, on file in this office.

JOHN C. HAYS,
U. S. Sur. Gen'l, Cal.

Filed in office Dec. 10th, 1853.

GEO. FISHER, *Sec'y.*

[*Here follows map; see original, page* 66.]

This plat of a tract of land called "Los Meganos," claimed by John Marsh, delineated from the full notes of an initiatory survey executed by S. E. Witcher, has been examined. According to the survey, the same comprises $52{,}083\frac{158}{1000}$ acres, equivalent to twelve "sitios de ganado mayor."

The survey and map are approved, so far only as a preliminary admeasurement made at the request of the parties claiming the land, but not as expressing any opinion as to the merits or validity of the claim.

JOHN C. HAYS,
U. S. Surv. Gen'l, Cal.

U. S. Surveyor General's office, San Francisco, Cal., November 23d, 1853.

Opinion of the Board by Commissioner Alpheus Felch.

JOHN MARSH vs. THE UNITED STATES. } For the place called Los Meganos, in Contra Costra county, containing twelve square leagues of land.

The petitioner alleges that the land claimed was originally granted to José Noriega, and subsequently conveyed to him by said grantee.

The grant is alleged to have been made by José Castro, superior political chief ad interim, on the 13th day of October, 1835.

It is also alleged in the petition that the grantee sold and conveyed the premises to the petitioner in the month of December, 1838.

No deed of conveyance of that date is presented, but a deed of release of the premises, containing an averment that such former conveyance had been made, is given in evidence, bearing date the 27th day of March, 1852. This deed conveyed to the present claimant all the interest which the original grantee had in the premises at the time of its execution.

The grant to Noriega is not presented. That a grant of the land was made to him *is* alleged in the petition, however, is fully shown by the testimony of Noriega, the grantee, whose deposition is filed in the case; and also by the testimony of James A. Forbes. The grant, it appears, was delivered by Noriega to the present claimant when he purchased the premises in 1837.

The affidavit of the claimant shows that the title-paper issued by the political chief was destroyed by some persons who plundered his house on the premises in September, 1838. The existence of the original grant, its possession by the grantee, the fact of its delivery to the present claimant, and its loss or destruction without his procurement or consent, are thus fully established.

In order to determine as to the rights of parties under it, we must next inquire what were the contents of the grant. Two points as to the contents especially require consideration: the first relates to the description and quantity of the land granted; the second to the conditions imposed on the grantee. As to the latter, however, the proof shows a settlement upon and cultivation of the premises by the grantee immediately after the grant, and a con-

tinuation of inhabitancy and improvement of the place by him and the present claimant of such a character as to ratify the terms of any of the Mexican grants made under the law of 1824 and the regulations of 1828. We may, therefore, direct our attention chiefly to the questions, what land was in fact granted, and what are its boundaries, limits, and quantity?

Unfortunately no witness speaks of the description of the land granted as specified in the grant. The claimant alleges that the land granted was four leagues from south to north, and three leagues from east to west, and containing twelve square leagues of land; and he presents a survey of the land claimed by him under the grant, defined with accuracy in the field-notes and map of the surveyor, and containing an area of twelve square leagues.

The evidence on which reliance is chiefly placed to show that the land thus claimed is that described in the grant is found in the expediente from the archives, a traced copy of which is filed in the case. The petition for the grant contains all the descriptions of the land solicited which is found in the document.

The petitioner alleges that he has been seeking for some time to find out a vacant spot, and has at length found a place called "Los Meganos," the plat of which he annexed to his petition, "the boundaries of which are, on the east the Indians of Los Tulares; then in a straight line, including all the oak grove, as far as a tular; thence north, including the creek of the Poblanos, which runs through the said grove as far as a sandy hill situated on the point of a chamisal (thicket) bearing northeast; thence running south along the hills situated on the west as far as the mountain called the mountain 'De los Bulgones;' thence passing a little beyond the gap where crosses the path from the creek towards the sandy hills, following the slope of the adjoining hills there to be seen, bearing on the inside the little hill called 'De las Cuevas;' thence in a straight line between south and east until it meets the line indicated in the beginning of the delineation of the place, the same comprising four leagues from south to north, and three from east to west."

Several reports giving information on the subject of the propriety of making the grant are embraced in the expediente, and among them the report of the testimony of three witnesses who speak of the extent of the land. By the largest estimate, it is made to contain six leagues of land, and by the smallest less than one and a half. The decree of concession is in the usual form, not defining the boundaries, nor specifying the quantity of land granted. The approval of the territorial deputation, which was given on the 14th of October, 1835, is also in the usual form, and without any specifications as to the location, boundaries, or quantity of the land granted. This record affords no proof of description of the land which was in fact granted to Noriega.

It is the record of the proceedings to obtain a grant. It does not even show that a grant was ever delivered to the party after the decree of concession. The governor might still refuse to issue the grant; and after the approval by the deputation, he might still withhold it, or issue it for only a portion of the premises solicited. We have uniformly held that the espediente, such as is here presented, is not of itself conclusive evidence, without proof of the delivery of a grant to the party, that such grant was ever issued. It is equally ineffectual for the purpose of showing the contents of a grant proved by other testimony to have been delivered to or in possession of the grantee.

The application usually specifies a much larger territory that is granted by the governor, and the limitation of the premises granted is found in one of the conditions contained in the grant itself, and not in the decree of concession contained in the expediente, or in any of the other documents contained in that roll of original papers. There is nothing in the documents which shows that the entire premises described in the petition of Noriega were granted to him; and our knowledge of the practice of the government, as disclosed by the archives, render it extremely improbable that his grant embraced the whole. There is nothing to indicate that there was a grant by metes and bounds; and in the absence of all proof that it was so, we cannot make such an inference. If it was a grant of a specific number of square leagues of land, to be located within the limits of the larger tract described in the petitition for the grant, as the documents lead us to believe, the espediente affords no proof as to what that quantity was, and of course no means of determining what land was in fact granted.

The grant itself in cases of this character always contains this specification; the expediente seldom or never. The latter, therefore, is not evidence of the contents of the former.

The petitioner does not claim that this was a grant of the entire premises enclosed within the exterior boundaries mentioned in the petition of Noriega. He has introduced evidence of a survey of the premises claimed by him under the grant made by his procurement in the months of August and September, 1853, together with a map of the premises, and the field-notes of the surveyor.

The survey purports to have been commenced on the east side of the premises described in the original petition to have been extended thence to the northeast corner; thence westwardly to the northwest corner; thence along the west side southwardly until arriving at a point from which a straight line to the place of beginning would enclose in the survey exactly twelve square leagues of land, which constitute the premises claimed. If the surveyor's lines were extended so as to embrace the entire premises, according to the principles on which his survey is founded, the whole tract would be found to contain some fifteen square leagues of land.

But the principles of this survey would not in my opinion embrace all that is covered in fact by the description in the petition; a survey according to that description would I think show that the entire premises contain some twenty or twenty-five square leagues of land.

The petitioner does not claim that the whole of this land was granted. He claims title to twelve square leagues of it segregated by the surveyor under his directions, on the northern portion of the premises. While neither the espediente nor any other proof in the case shows what land was described in the grant, there is strong if not irresistible evidence that it was not a grant of twelve square leagues, as claimed by the petitioner.

The 12th article of the decree respecting colonization of the 18th of August, 1824, limits the quantity of land which any one person shall be allowed to obtain to eleven square leagues, and the regulations of 1828, under which this grant was made, by reference to the law, adopt this limitation.

The practice of the governor of California was also, as far as the archives disclose the proceedings, kept scrupulously within the limitation. In all our examination of cases before this commission I have seen no case in which the grant described the land granted as containing more than eleven leagues. It was contended that the waste land embraced in grant should not be included in the statement of the quantity, and therefore a grant might be for any number of square leagues of land provided there was embraced within the limits only eleven square leagues of good land, or rather such as was described in the law. But the law in my judgment clearly limits the right of granting to the quantity of eleven leagues in all. If a construction of the law has ever obtained which allowed the judicial survey to embrace within the surveyed limits under a grant useless land without reckoning it as part of the land granted, and giving the conceded quantity of good land, together with an additional quantity of waste land, (which has never yet been established before us,) it certainly never was the understanding that the governor could issue a grant for quantity specified in the concession itself to contain more than eleven square leagues; and certainly no grant was ever issued requiring the judicial survey so to be made within the location designated in the concession, as to embrace not only the maximums of eleven square leagues of available land with a specified quantity unfit for use in addition to it. We cannot presume this grant to be of such a character, and there is no evidence to show that it was so.

I have already remarked that the proof of the contents of a grant is not expected to be found in the expediente. When a grant once issued is lost or destroyed, the claimant under it should prove its contents by the best evidence in his power.

The 9th article of the regulations of 1828 requires a record to

be kept in a book of petitions presented and grants made, and the archives contains the records of the grants sometimes recorded at full length, and sometimes containing only a brief memorandum of their contents. To this record, in my judgment, the party who has lost his grant should first resort for proof of its contents.

The claimant has not sought for evidence of the contents of his grant where he had every reason to believe it would be found preserved in the national records. The legal inference is irresistible in such a case of failure to seek the best evidence thus required by law to be perpetuated, that if produced it would be found to be adverse to the claim advanced in this case.

From the testimony presented in support of this claim, I am satisfied that this was neither a grant of the entire premises described in the petition of Noriega (which is conceded by the claimant,) nor a grant of twelve square leagues of land to be located within the boundaries of it, and the claimant has given no evidence which shows what the quantity granted in fact was. But whether the quantity granted was in truth the number of square leagues mentioned and claimed by him, or any less number, the location was evidently required to be made within the large tract described in Noriega's petition, and was under the Mexican law required to be measured and segregated with defined limits and boundaries, by the act of a judicial officer. This was never done, and without it the rights of the party never attached to any specified portion of the public domain prior to the ratification of the treaty of cession.

After that event he could not make the location by means of a surveyor selected by his own choice, nor has this commission the power of doing it for him. This principle is too well settled by the decisions of the Supreme Court of the United States to admit of doubt, and this commission has uniformly applied it in all cases where the question has arisen, and it must be applied in the case now under consideration.

I must be permitted to add, that since the examination of this case, and since the above expression of my views was prepared, I have examined the records among the archives in the office of the surveyor general, and find the grant which was issued to Noriega recorded at full length in the regular book of titles of the former government. The land granted is therein specified to be a little more than three square leagues, and a judicial survey is required to separate it from the larger tract described in the petition of Noriega. This record is not in evidence before us; if it were, the principle above stated would apply to the case, and would be fatal to the claim. I cite it here, not as evidence, however, by which the rights of the party are to be estimated, but as illustrating the importance of the rule which requires the party, where such record evidence exists, to seek for it in its proper depository, instead of

substituting for it unsatisfactory inferences from documents not expected to contain the proof of the fact alleged, or the fallible and often erring testimony of persons who speak from memory alone.

The claim must be rejected. Rejected.

Filed in office March 14, 1854.

GEO. FISHER, *Secretary.*

Decree.

JOHN MARSH
vs.
THE UNITED STATES. } 213.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the said claim of the petitioner is not valid, and his application for a confirmation thereof is therefore denied.

ALPHEUS FELCH,
THOMPSON CAMPBELL,
R. AUG. THOMPSON,
Commissioners.

Filed in office March 14, 1854.

GEO. FISHER, *Secretary.*

Order.

And it appearing to the satisfaction of the board, that the land hereby adjudicated is situated in the northern district of California: Ordered, that two transcripts of the proceedings and of the decision in this case, and of the papers and evidence upon which the same are founded, be made out and duly certified by the secretary, one of which transcripts shall be filed with the clerk of the United States district court for the northern district of California, and the other be transmitted to the Att'y General of the United States.

Secretary's Certificate.

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the Private Land Claims in the State of Cal'a.

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing seventy-two pages, numbered from 1 to 72, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings and of the decision of the said board, of the documentary evidence, and of the testimony of the witnesses upon which the same is founded, on file in this office, in case No. 213 on the docket of the said board, wherein John Marsh is the claimant against the United States for the place known by the name of "Los Meganos."

In testimony whereof, I hereunto set my hand and affix my private seal, (not having a seal of office,) at San Francisco, California, this thirtieth day of October, A. D. 1854, and of the independence of the United States of America the seventy-ninth.

GEO. FISHER, *Secretary*.

Endorsed: Filed November 2d, 1854.

JOHN A. MONROE, *Clerk*.

Notice of Appeal.

United States District Court for the northern district of California.

JOHN MARSH, App'lt,
vs.
THE UNITED STATES, App'lee.

Case No. 213 from the docket of the commissioners on private land claims in California.

Notice is hereby given to the appellee, in the above entitled cause, that it is the intention of the said John Marsh, appellant, and claimant of the tract of land mentioned in his petition to the board of land commissioners appointed by the President of the United States to ascertain and settle private land claims in the State of California, by the act of March 3d, 1851, to prosecute an appeal from the decision and decree of said commissioners as made and entered in the above cause, a transcript of which has been duly filed in this honorable court.

JOHN MARSH,
By his att'y, JAMES WILSON.

San Francisco, April 24, 1855.

To JOHN A. MONROE, Esq.,
Clerk of the United States District Court
for the northern district of California.

Endorsed: Filed April 26th, 1855.

JOHN A. MONROE, *Clerk*.

Petition for Review.

UNITED STATES OF AMERICA.

United States District Court for the northern district of California.

JOHN MARSH, App'lt,
vs.
THE UNITED STATES, App'lee.

Case No. 213 from the U. S. land commissioners' docket.

To the Honorable Ogden Hoffman, jr., Judge of the said district:

The petition of John Marsh, of Contra Costa county, in the State of California, respectfully represents to your honor, that on the 4th day of May, A. D. 1852, he filed his claim for a certain tract of land in Contra Costa county aforesaid, before the commis-

sioners appointed by the President of the United States under the act of Congress approved on the 3d day of March, A. D. 1851, entitled "An act to ascertain and settle private land claims in the State of California."

That the said land so claimed by your petitioner is and for a long time has been known and called the rancho "De los Meganos," and is in extent about four leagues in a northerly and southerly direction, a little more or less, in its longest lines, and about three leagues, a little more or less, in its breadth, in an easterly and westerly direction, reference to be had to the papers, expediente, documents, transcripts, and proofs on file, for a more full and perfect description of the boundaries of the land claimed by your petitioner, and which he prays may be taken and deemed as a part of this petition for that purpose among others.

Your petitioner avers that the said rancho "De Los Meganos" lies and is situated within the northern district of California, to wit, in the said county of Contra Costa.

Your petitioner sets forth the nature of his claim and deraignment of his title to said land and rancho "De Los Meganos" as follows, to wit:

First. A grant or concession of said rancho "De Los Meganos" by Don José Castro, superior political chief and governor ad interim of California, under and by the authority of the Mexican nation, to one Don José Noriega, bearing date on the 13th day of October, A. D. 1835.

Second. The approval of the departmental assembly of California to said grant or concession given on the 15th day of October, A. D. 1835.

Third. A purchase of said rancho by your petitioner from the said Don José Noriega about the month of December, A. D. 1838, for a good and valuable consideration, which purchase was then perfected by the making and delivery of a deed by said Noriega to your petitioner, and also by the delivery of said Noriega to your petitioner of the original deed of grant received by him, said Noriega, from the Mexican authorities then in California, of the rancho aforesaid, and which said original papers were subsequently stolen from a trunk in the dwelling-house of your petitioner on said rancho by a band of robbers about the year 1840.

Fourth. A deed of release made and executed by the said Don José Noriega and Doma Manuela, his wife, dated on the 7th day of March, A. D. 1852, to your petitioner, ratifying and confirming the said conveyance made by the said Don José Noriega to your petitioner in the year 1838, and releasing to him all their right and title in said rancho.

Your petitioner further represents, that it is clearly and conclusively shown by the evidence taken before the said commissioners in the said cause, No. 213, that the said Don José Noriega took

possession of the said rancho "De Los Meganos," and the lands composing the same, immediately after the said grant or concession thereof was made to him (to wit) in the year 1835; that he built a house thereon and occupied the same in person, and by himself, his laborers, and servants; that he placed and reared thereon cattle, horses, and other stock, and continued so to occupy the same ever thereafter until he sold the same to your petitioner, in the year 1838; that ever since the date last mentioned your petitioner has constantly, and still does live upon, occupy, and maintain his possession of said rancho, with his family.

That for many years (to wit), from the year 1838 until the year 1846, the possession of your petitioner of said rancho was quiet, peaceable, uninterrupted, undisturbed, and unquestioned, during the whole period of the continuance of Mexican rule and authority in California, except in the single instance of the robbery of his house, as above set forth.

Your petitioner further represents, that a full transcript of the documents, testimony, proceedings, records, orders, and decrees of the said board of commissioners in said cause, together with the final decree of said commissioners rejecting his said claim to said rancho "De Los Meganos" and the lands comprising the same, and all and every part of the said lands, as will more fully and at large appear by reference to the opinion in writing of said commissioners filed in said cause, on the ground of indefiniteness of the description of the boundaries thereof, was filed with the clerk of this honorable court on the 2d day of November, A. D. 1854, as required by the statutes of the United States in such cases provided, and from which said decision, opinion, and decree of said board of land commissioners your petitioner files this petition for a review thereof by your honor, averring said decree to be erroneous.

Wherefore the said John Marsh, the claimant aforesaid, prays your honor, judge of the district court aforesaid, to review the said decision and decree, and the proceedings had before said commissioners, and to reverse the said final decree of said commissioners, and to pass upon the validity of your petitioner's claim to the said "rancho De Los Meganos" and the lands pertaining thereto, and to confirm his claim thereto as good and valid, and for other relief.

And, as in duty bound, will ever pray.

JOHN MARSH,
By JAMES WILSON, *his Attorney*.

San Francisco, April 24th, 1855.

Endorsed: Filed April 26th, 1855.

JOHN A. MONROE, *Clerk*.

[Rec. ccxlvi, D. T. 1858.]—7

Deposition of Ignacia Cyprian.

United States District Court, northern district of California.

JOHN MARSH
vs.
THE UNITED STATES.

SAN FRANCISCO, *Sept. 26th*, 1855.

On this day, before John A. Monroe, a commissioner of the United States for the northern district of California, duly authorized to administer oaths, &c., came Ignacia Cyprian, a witness produced on behalf of the claimant, in case No. 107, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California, in case No. 213 on the docket of the said board of commissioners, and was duly sworn and testified as follows; his evidence being interpreted by H. Adler, a sworn interpreter.

Present, James Wilson, claimant's attorney, and the U. S. district attorney, by A. Glassell, esq.

Question 1st by claimants. What is your name, your age, and your place of residence?

Answer. Ignacio Cyprian; 34 years of age; and I reside in Contra Costa county, Cal.; I am a farmer by occupation or a ranchero.

Question 2d. Do you know the place called "Los Meganos," in Contra Costa county?

Answer. I do. I have known it for the last twenty years. I reside within five or six leagues of this place. I have lived in its vicinity all my life.

Question 3d. Do you know the person who first occupied the said rancho De los Meganos? If yea, state who.

Answer. It was first occupied by José Noriega, a Spaniard. José Romero was on the place at the time as overseer or mayor domo. José Noriega was on the place some three or four years before the revolution of Micheltoreno.

Question 4th. How long did Noriega reside on this place, and what was his business?

Answer. He was there about two years; he was a ranchero, taking care of cattle, and cultivating land.

Question 5th. Who followed Noriega in the occupation of this rancho?

Answer. Mr. Marsh, the present claimant, who has lived on the place ever since Noriega left, and lives there now.

Question 6th. State what you know relative to the said rancho "De los Meganos," as occupied by said Noriega and Marsh, and your means of knowledge.

Answer. As to the boundaries of said rancho, I know them. The north or northwestern boundary is on the San Joaquin river, at the point of "Los Meganos," or the sand-hills; thence in the

direction of a mountain called Golgones, now known as Mount Diablo; thence in the direction of a small hill called "Las Cuevas;" thence towards the Tular, to the end of the oak grove; thence along the edge of the river or the overflowed land to the place of beginning. I received my information from Salveo Pacheco, Antonio Mesa, and José Miguel Garcia, who were colindantes or owners of the lands adjoining the tract in question.

Question 7th. Were you ever called upon to trace any part of the boundary line between the "Los Meganos rancho" and the rancho of Mesa and Garcia? if yea, state when, and at whose request.

Answer. At the time when Salvio Pacheco, Antonio Mesa, and José Miguel Garcia wished to make a petition for their land, they invited me to go with them to see the land. I went; when we got on the ground they began to run the line at the point which I have before mentioned, "Los Meganos," on the river. When we got to this point we stopped, where a conversation ensued in regard to the boundary of Noriega's ranch, which was then possessed by Doctor Marsh. Salvio Pacheco said that the land up the river from this point belonged to Noriega or Marsh; then Mesa and Garcia said they would take their land down the river.

Question 8th. Have those boundaries of the rancho "Los Meganos," as you have above stated them, been recognised by the neighbors or colindantes as the true boundaries of the "Los Meganos?"

Answer. They have been, and are now. I know of my own knowledge, from what I have before stated, and from conversations of the adjoining neighbors.

Question 9th. Witness is here shown the map attached to the transcript in this case, and says the boundaries of said rancho, as laid down on said map, are correct.

Cross-examined by U. S. Attorney.

Question 1st. State by means you know that the boundaries on the said map are correctly laid down.

Answer. I know it from the neighbors having told me they were correct, and I know the land as well as though it were my own house; and I know all the points on the map.

Question 2d. Do you know whether or not said map is a correct representation of the country round about said rancho? and if so, state how you know it, and all the means you have of knowing it.

Answer. It represents exactly the outlines of the rancho or exterior boundaries; I recognise the said map as being correct, by the "Megano," which is on the borders of the river; by the mountain ridge or sierra on one side; by the line of the river marked on it; by the Tular; by the "Cuevas."

Question 3d. Have you any interest, direct or indirect, in the event of this claim?

Answer. I have none whatever.

his
IGNACIAS ⋈ CYPRIAN.
mark.

Sworn to and subscribed before me this 26th Sept., 1855.

JOHN A. MONROE,
U. S. Commissioner.

Endorsed: Filed September 26, 1855.

JOHN A. MONROE, *Clerk.*
By WM. H. CHEVERS, *Deputy.*

Stipulation and Order reviewing suit in name of only heir.

UNITED STATES OF AMERICA.

District Court for the northern district, in the State of California.

JOHN MARSH, App'lt,
vs.
THE UNITED STATES, App'lee. } District Court docket, No. 107. Commissioners' docket, No. 213.

And now the attorney of the United States, as also James Wilson, attorney for the claim of the app'lt in said cause, come and suggest to the honorable court here that since the filing of the transcript in the above cause in this court by the secretary of the board of land commissioners, and since the filing of the claimant's petition in this court for a revision of the decree of said commissioners, and a reversal of said decree, the said John Marsh, the original claimant, has deceased.

And it being stipulated by the said attorney of the United States, and by James Wilson, attorney for said claim, that the cause aforesaid shall be revived and prosecuted to final decree in the name of Alice Marsh, the heir-at-law and only child of the said John Marsh, original claimant, deceased:

Wherefore application is made to the hon'ble judge of the said district court for an order reviving the said cause in the name of the said Alice Marsh, heir-at-law and only child of the said John Marsh, deceased, and that the said cause may be prosecuted in the name of the said Alice Marsh, to final decree according to said stipulation.

San Francisco, Jan. 7th, 1857.

WM. BLANDIMG,
Dist. Attorney.
JAMES WILSON,
Attorney for Claimant.

United States of America, District Court for the northern district of the State of California.

It being suggested to the court by the att'y of the United States,

and also by James Wilson, attorney for the claim in cause No. 107 on the docket of land cases in this court, that John Marsh, the original claimant, has deceased since the filing the transcript and the petition for rehearing in the above cause, and it having been stipulated by and between the said attorney for the United States and the said attorney for the said claim, that the said cause shall be revived and prosecuted to final decree in the name of Alice Marsh, heir-at-law and only child of the said original claimant, deceased, as set forth in the foregoing stipulation:

Now, therefore, it is hereby ordered and decreed that the said cause be revived, and that the same may be prosecuted to final decree in the name of Alice Marsh, heir-at-law and only child of the said original claimant accordingly.

OGDEN HOFFMAN,
U. S. Dist. Judge.

Endorsed: Filed January 8th, 1857.
JOHN A. MONROE, *Clerk.*
By WM. H. CHEVERS, *Deputy.*

Answer.

In the District Court of the United States for the northern dist. of Cal'a.

THE UNITED STATES vs. JOHN MARSH. } D. C. 107.—L. C. 213.

The United States, by their attorney, deny the validity of the title set out in the petition of the appellant, and pray that the decision of the United States land commission be affirmed, and that the said title be decreed invalid.

San Francisco, February 12, 1857.

WM. BLANDING,
U. S. Attorney.

Endorsed: Filed February 12, 1857.
JOHN A. MONROE, *Clerk.*
By WM. H. CHEVERS, *Deputy.*

Document X.—(Tituto.)

José Castro, Vocal de la Ex'ma Diputacion Territorial é Gefe Politico Interino de la Alta California.

N. 87.

Por cuanto D'n José Noriega ha pretendido p'a su veneficio personal a el de su familia el terreno conocido con el nombre De los Meganos; practicados previamente las diligencias é aberiguaciones consecuciente segun lo dispuesto p'r leyes é reglamentos; usando de las faculta des qe. me son conferridas en secreto de trese de

Octuvre de este año í el de la exma. diputacion de 15 de el mismo mes í año í á nombre de la nacion Mejicana he venido en concederle el terreno mencionado de la randole la propiedad de el pr. las presentes letras y bajo las condiciones siguientes:

1a. Que se sometera á las qe. establinere el reglamento qe. p. hace formar pa. la distrivacion de terrena baldios, a qe. entre tarlo ni el agrarido ni sus herederos podran debida ni enagenar el qe. se la adjudica imponer sensa vinculo fianza épóteca ni otro gravamen aunque sea pr. causa piadosa ni pasarlo a manos muertas.

2a. Podra sercarlo sin perjudicar las travecias, caminos y servidumbres; lo disfrutara libre y esclusivamente destinandole al uso é cultivo qe. mas lo acomode po. dentro de un año a lo mas fabricara casa y estara habitada.

3a. El juez qe. le de la posecion juridica en virtud de este despacho pr. el cual se demarcaran los linderos en cuyos limites pondran a mas se las mohoneras algunos arboles frutales ó silvestres de alguna utilidad.

4a. El terreno orqe. se hace donacion es de poco mas a tres sitios de ganado mayor segun esplica el diseño qe. corre en el espediente. El juez qe. diere la posecion lo hara medir conforme a ordenanza que dando el sobrante qe. resulte a la nacion pa. los usos convenientes.

5a. Si contraviniere a estas condiciones perdera su derecho al terreno y sera denunciable pr. otro.

En consecuencia mando qe. serviendole a titulo el presente y teniendose pr. firma y baledero se tome razon de el en el livro qe. corresponde y se entregue al interesado pa. su resguardo y demas fines.

Dado en Monterrie, Dbre. 2, de 1835.

JOSÉ CASTRO.

FRAN'CO DEL CASTILLO NEGRA, *S'rio.*

CASTILLO.

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of California, and as such, having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican territory or department of Upper California, by virtue of the power vested in me by law, do hereby certify, that the two preceding and hereunto annexed pages of tracing paper, numbered one and two, exhibit a true and accurate copy of an extract from a certain unbound book, entitled "Titulo," and now on file and forming part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officially, and caused my seal of office to be affixed, at the city of San Francisco, this eighth day of December, 1854.

[SEAL.]

JOHN C. HAYS,
U. S. Surveyor General for California.

I hereby consent that this traced copy may be filed and used in evidence in this case.

May 2, 1857.

WM. BLANDING,
District Attorney.

Endorsed: Filed May 2d, 1857.

JOHN A. MONROE, *Clerk.*
By WM. H. CHEVERS, *Deputy.*

Translation of Document X.—(Titulo.)

José Castro, Vocal of the Most Excellant Territorial Deputation, Political Chief ad interim of Upper California.

Whereas Don José Noriega, for the personal benefit of himself and his family, has made application for the tract of land known by the name of "Los Meganos," the appropriate proceedings and proofs having been previously taken, in accordance with what is provided by the laws and regulations, in use of the powers conferred upon me, in a decree of October 13th of this year, and that of the most excellent deputation of the 15th of the same month and year, and in the name of the Mexican nation, I have come to grant to him the tract of land mentioned, declaring him the owner thereof in property by the present letters and under the conditions following:

First. That he shall submit himself to those which may be established in the regulation—that is, to be formed for the distribution of vacant lands, and in the mean time neither the grantee nor his heirs shall have power to divide or to alienate that which is adjudicated to them, nor impose thereon quit-rents, entailment, security, mortgage, nor any other encumbrance, even though it be for pious uses, nor to transfer it in mortmain.

Second. He is empowered to enclose it, without prejudice to the crossings, roads, and services; he shall enjoy it freely and exclusively, destining to the use and cultivation which may best suit him, but within one year at most he shall build a house, and it shall be inhabited.

Third. Let the judge give him the judicial possession in virtue of this despatch by whom the boundaries shall be marked out, in which boundary lines they shall place, besides landmarks, some useful fruit and forest trees.

Fourth. The tract of land of which donation is made is a little more than three sitios de ganado mayor, as explained by the map

Octuvre de este año í el de la exma. diputacion de 15 de el mismo mes í año í á nombre de la nacion Mejicana he venido en concederle el terreno mencionado de la randole la propiedad de el pr. las presentes letras y bajo las condiciones siguientes:

1a. Que se sometera á las qe. establinere el reglamento qe. p. hace formar pa. la distrivacion de terrena baldios, a qe. entre tarlo ni el agrarido ni sus herederos podran debida ni enagenar el qe. se la adjudica imponer sensa vinculo fianza épóteca ni otro gravamen aunque sea pr. causa piadosa ni pasarlo a manos muertas.

2a. Podra sercarlo sin perjudicar las travecias, caminos y servidumbres; lo disfrutara libre y esclusivamente destinandole al uso é cultivo qe. mas lo acomode po. dentro de un año a lo mas fabricara casa y estara habitada.

3a. El juez qe. le de la posecion juridica en virtud de este despacho pr. el cual se demarcaran los linderos en cuyos limites pondran a mas se las mohoneras algunos arboles frutales ó silvestres de alguna utilidad.

4a. El terreno orqe. se hace donacion es de poco mas a tres sitios de ganado mayor segun esplica el diseño qe. corre en el espediente. El juez qe. diere la posecion lo hara medir conforme a ordenanza que dando el sobrante qe. resulte a la nacion pa. los usos convenientes.

5a. Si contraviniere a estas condiciones perdera su derecho al terreno y sera denunciable pr. otro.

En consecuencia mando qe. serviendole a titulo el presente y teniendose pr. firma y baledero se tome razon de el en el livro qe. corresponde y se entregue al interesado pa. su resguardo y demas fines.

Dado en Monterrie, Dbre. 2, de 1835.

JOSÉ CASTRO.

FRAN'CO DEL CASTILLO NEGRA, *S'rio.*

CASTILLO.

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of California, and as such, having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican territory or department of Upper California, by virtue of the power vested in me by law, do hereby certify, that the two preceding and hereunto annexed pages of tracing paper, numbered one and two, exhibit a true and accurate copy of an extract from a certain unbound book, entitled "Titulo," and now on file and forming part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officially, and caused my seal of office to be affixed, at the city of San Francisco, this eighth day of December, 1854.

[SEAL.]

JOHN C. HAYS,
U. S. Surveyor General for California.

I hereby consent that this traced copy may be filed and used in evidence in this case.

May 2, 1857.

WM. BLANDING,
District Attorney.

Endorsed: Filed May 2d, 1857.

JOHN A. MONROE, *Clerk.*
By WM. H. CHEVERS, *Deputy.*

Translation of Document X.—(Titulo.)

José Castro, Vocal of the Most Excellant Territorial Deputation, Political Chief ad interim of Upper California.

Whereas Don José Noriega, for the personal benefit of himself and his family, has made application for the tract of land known by the name of "Los Meganos," the appropriate proceedings and proofs having been previously taken, in accordance with what is provided by the laws and regulations, in use of the powers conferred upon me, in a decree of October 13th of this year, and that of the most excellent deputation of the 15th of the same month and year, and in the name of the Mexican nation, I have come to grant to him the tract of land mentioned, declaring him the owner thereof in property by the present letters and under the conditions following:

First. That he shall submit himself to those which may be established in the regulation—that is, to be formed for the distribution of vacant lands, and in the mean time neither the grantee nor his heirs shall have power to divide or to alienate that which is adjudicated to them, nor impose thereon quit-rents, entailment, security, mortgage, nor any other encumbrance, even though it be for pious uses, nor to transfer it in mortmain.

Second. He is empowered to enclose it, without prejudice to the crossings, roads, and services; he shall enjoy it freely and exclusively, destining to the use and cultivation which may best suit him, but within one year at most he shall build a house, and it shall be inhabited.

Third. Let the judge give him the judicial possession in virtue of this despatch by whom the boundaries shall be marked out, in which boundary lines they shall place, besides landmarks, some useful fruit and forest trees.

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1a. Que se sometera á las qe. establinere el reglamento qe. p. hace formar pa. la distrivacion de terrena baldios, a qe. entre tarlo ni el agrarido ni sus herederos podran debida ni enagenar el qe. se la adjudica imponer sensa vinculo fianza épotéca ni otro gravamen aunque sea pr. causa piadosa ni pasarlo a manos muertas.

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Dado en Monterrie, Dbre. 2, de 1835.

JOSÉ CASTRO.

FRAN'CO DEL CASTILLO NEGRA, *S'rio.*

CASTILLO.

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of California, and as such, having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican territory or department of Upper California, by virtue of the power vested in me by law, do hereby certify, that the two preceding and hereunto annexed pages of tracing paper, numbered one and two, exhibit a true and accurate copy of an extract from a certain unbound book, entitled "Titulo," and now on file and forming part of the said archives in this office.

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May 2, 1857.

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Third. Let the judge give him the judicial possession in virtue of this despatch by whom the boundaries shall be marked out, in which boundary lines they shall place, besides landmarks, some useful fruit and forest trees.

Fourth. The tract of land of which donation is made is a little more than three sitios de ganado mayor, as explained by the map

(diseño) which is contained in the expediente. The judge who shall give possession will cause it to be surveyed according to the ordinance, the overplus (sobrante) which may result remaining to the nation for the uses convenient.

Fifth. If he contravene these conditions he shall lose his right to the land, and it may be denounced by another.

Wherefore I command that, these presents serving him as a title (titulo), and being held firm and valid, record thereof be made in the corresponding book, and the same be delivered to the party interested for his security and other ends.

Given in Monterey, Dec. 2d, 1835.

JOSÉ CASTRO.

FRANCISCO DEL CASTILLO NEGRETE,
Secretary.

CASTILLO. (Rubric.)

Endorsed: Filed May 2, 1857.

JOHN A. MONROE, *Clerk.*
By WM. H. CHEVERS, *Deputy.*

Opinion by his Honor Judge Ogden Hoffman.

ALICE MARSH
vs.
THE UNITED STATES. } No. 107.

The claim in this case is for a tract of land called "Los Meganos," granted to José Noriega Oct. 13, 1835, and approved by the territorial deputation Oct. 15, 1835. The final documents or titulo issued Dec. 2d of the same year.

The original grant was not produced to the board, nor was any satisfactory evidence of its contents given. The expediente, however, containing the petition, informes, decree of concession, &c., was found duly archived, and on these documents, together with parol proof that the titulo had in fact issued, the claimant relied for confirmation.

In his petition Noriega sets out the boundaries of the land solicited with some particularity, and states its extent to be four leagues from south to north, and three from east to west. Inasmuch as the decree of concession and the approval of the deputation showed that the land of "Los Meganos" had been granted, it was contended that the lost titulo must have embraced the land solicited in the petition. It was not, however, urged that all the land embraced within the boundaries had been granted, and the claim was confined to a tract of 12 square leagues, which had been at the instance of the claimant surveyed by the surveyor general. By the survey the last line, which enclosed the rancho, had been so run as to include the precise quantity of 12 leagues. Had the surveyor's lines been extended so as to embrace the entire tract according to

the principles on which the survey was founded, the land would have been found to be about 15 square leagues in extent. A survey according to the description contained in the petition would, it is observed by Mr. Commissioner Felch, embrace some 20 or 25 square leagues of land.

Since the cause has been pending on appeal, the original record of the titulo has been produced from the archives, where it is set out at length.

The 4th condition states the extent of the granted land to be a little more than 3 square leagues, and it contains the usual directions for a judicial measurement, and a reservation of the sobrante.

It is urged that this limitation should be disregarded as being repugnant to the obvious intention of the grantor, and probably introduced by mistake.

It is not perhaps very clear what the claimant supposes himself entitled to; whether he contends that the grant should be treated as a grant by metes and bounds, and the whole tract embraced within the boundaries mentioned in the petition should be confirmed to him, to the extent of 20 or 25 leagues, or whether, as he appears to have admitted before the board, he should be restricted to the quantity of 12 leagues, according to the survey he procured to be made.

It is presumed, however, that independently of the limitation contained in the fourth condition, it would not be contended that the governor could have intended to grant a tract of 20 or 25 leagues in extent, when the petitioner himself stated it to contain only 12 leagues, and two of the witnesses a much smaller quantity; and such seems to have been the views taken of the grant by the counsel for the claimant. The grant cannot, therefore, be treated as a grant by metes and bounds, and the only question is, which of the specifications of quantity shall govern—that contained in the petition, or that contained in the grant.

It is urged that the governor, by granting in his decree of concession, and the deputation by conferring the title to "Los Meganos," clearly indicated their intention to grant the tract as described in the petition, and of the extent therein mentioned.

Had the boundaries of this tract been found to embrace only the quantity stated in the petition, had the attention of the governor been particularly directed to the question of its extent, had he been apprized of its extent by the testimony of witnesses, and with all these facts before him, repeated in his concession and in the title the boundaries as set forth in the petition, and had the deputation confirmed with express reference to those boundaries, we might have supposed, as in the case of Rosa Pacheco, that limitation in the condition was the result of a clerical error; provided, that in attributing to the governor the intention to grant by metes and

(diseño) which is contained in the expediente. The judge who shall give possession will cause it to be surveyed according to the ordinance, the overplus (sobrante) which may result remaining to the nation for the uses convenient.

Fifth. If he contravene these conditions he shall lose his right to the land, and it may be denounced by another.

Wherefore I command that, these presents serving him as a title (titulo), and being held firm and valid, record thereof be made in the corresponding book, and the same be delivered to the party interested for his security and other ends.

Given in Monterey, Dec. 2d, 1835.

JOSÉ CASTRO.

FRANCISCO DEL CASTILLO NEGRETE,
Secretary.

CASTILLO. (Rubric.)

Endorsed: Filed May 2, 1857.

JOHN A. MONROE, *Clerk.*
By WM. H. CHEVERS, *Deputy.*

Opinion by his Honor Judge Ogden Hoffman.

ALICE MARSH
vs.
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In his petition Noriega sets out the boundaries of the land solicited with some particularity, and states its extent to be four leagues from south to north, and three from east to west. Inasmuch as the decree of concession and the approval of the deputation showed that the land of "Los Meganos" had been granted, it was contended that the lost titulo must have embraced the land solicited in the petition. It was not, however, urged that all the land embraced within the boundaries had been granted, and the claim was confined to a tract of 12 square leagues, which had been at the instance of the claimant surveyed by the surveyor general. By the survey the last line, which enclosed the rancho, had been so run as to include the precise quantity of 12 leagues. Had the surveyor's lines been extended so as to embrace the entire tract according to

the principles on which the survey was founded, the land would have been found to be about 15 square leagues in extent. A survey according to the description contained in the petition would, it is observed by Mr. Commissioner Felch, embrace some 20 or 25 square leagues of land.

Since the cause has been pending on appeal, the original record of the titulo has been produced from the archives, where it is set out at length.

The 4th condition states the extent of the granted land to be a little more than 3 square leagues, and it contains the usual directions for a judicial measurement, and a reservation of the sobrante.

It is urged that this limitation should be disregarded as being repugnant to the obvious intention of the grantor, and probably introduced by mistake.

It is not perhaps very clear what the claimant supposes himself entitled to; whether he contends that the grant should be treated as a grant by metes and bounds, and the whole tract embraced within the boundaries mentioned in the petition should be confirmed to him, to the extent of 20 or 25 leagues, or whether, as he appears to have admitted before the board, he should be restricted to the quantity of 12 leagues, according to the survey he procured to be made.

It is presumed, however, that independently of the limitation contained in the fourth condition, it would not be contended that the governor could have intended to grant a tract of 20 or 25 leagues in extent, when the petitioner himself stated it to contain only 12 leagues, and two of the witnesses a much smaller quantity; and such seems to have been the views taken of the grant by the counsel for the claimant. The grant cannot, therefore, be treated as a grant by metes and bounds, and the only question is, which of the specifications of quantity shall govern—that contained in the petition, or that contained in the grant.

It is urged that the governor, by granting in his decree of concession, and the deputation by conferring the title to "Los Meganos," clearly indicated their intention to grant the tract as described in the petition, and of the extent therein mentioned.

Had the boundaries of this tract been found to embrace only the quantity stated in the petition, had the attention of the governor been particularly directed to the question of its extent, had he been apprized of its extent by the testimony of witnesses, and with all these facts before him, repeated in his concession and in the title the boundaries as set forth in the petition, and had the deputation confirmed with express reference to those boundaries, we might have supposed, as in the case of Rosa Pacheco, that limitation in the condition was the result of a clerical error; provided, that in attributing to the governor the intention to grant by metes and

bounds, we did not suppose him to have exceeded the quantity of 11 leagues to which his granting power was limited.

But in this case the proceedings show that in all probability the limitation in the condition accurately expressed the intention of the governor and of the assembly.

The petitioner was referred to the alcalde of the capital to take information by the oaths of three competent witnesses as to the qualification, &c., of the petitioner, and the extent and character of the land.

One of them states that the tract petitioned for may be three leagues long, and in width from two leagues to less than half a league.

The 2d witness states its extent to be about two and a half or three leagues in length and from one-half to two leagues in width.

The 3d witness states it to be 4 or 5 leagues in length and three in width.

It thus appears, that by the evidence of two out of three witnesses, the governor and the deputation were apprized that the extent of the land of "Los Meganos" was about 3 leagues; when, therefore, they granted the land by that name, it is at least as probable that they intended a tract of the extent sworn to by the two witnesses, as of the larger extent sworn to by the third, or as represented by the petitioner. The limitation in the condition of the grant removes all doubt upon the subject, and unequivocally expressed the intentions which, without it, we might well have attributed to the grantor.

The claim to 12 leagues rests entirely upon the supposition that the governor intended by the term "Los Meganos" a tract of the extent represented by the petitioner. But when we find him informed by the depositions of two witnesses that the land of that name only included about three leagues, there is surely as much reason to suppose that he meant a tract of the smaller extent as of the larger.

There is therefore nothing repugnant to the apparent intention of the governor or of the deputation in the introduction of the limitation of quantity in the fourth condition, nor can I perceive on what grounds the court would be authorized to strike from the grant so important a part of it. As the grant can in no case be deemed a grant of metes and bounds, the words "a little more than," which precede the words "three leagues," are not susceptible of any definite construction. They were probably inserted as an authority to the judicial officer slightly to increase the quantity for convenience of boundary, or similar reasons. As no such discretion can be confided to the surveyor gen'l, the words must be rejected for uncertainty, and the claimant confirmed to the precise quantity of 3 square leagues, to be located within the boundaries described in the petition, in the form and divisions prescribed

by law for surveys in California, and embracing the entire grant in one tract.

Delivered April 9th, 1858.

Decree.

District Court of the United States for the northern district of California.

ALICE MARSH vs. THE UNITED STATES. } Docket, No. 107—Transcript, No.

Stated Term, April 9th, 1858.

This cause coming on to be heard on appeal from the decision of the commissioners to ascertain and settle private land claims in the State of California, under the act of Congress approved March 3d, 1851, upon the transcript of proceedings, decision of said commissioners, and the papers and evidence upon which said decision was founded, all of which have been duly returned and filed in this court, as required by law, and upon further evidence taken under the orders of this court, and counsel for the respective parties having been heard, on due consideration had, it is by the said district court now here ordered, adjudged, and decreed, that the decision of said board of commissioners be, and the same hereby is, reversed; and it is further ordered, adjudged, and decreed, that the title and claim of the above named Alice Marsh to the land claimed in this case to the extent of three square leagues, as hereinafter specified, is good and valid, and the same is hereby confirmed to her. The land of which confirmation is hereby made is a part of the tract known by the name of "Los Meganos," situated in Contra Costa county, and the same which was granted to José Noriega by the political chief of the territory of California, in a decree of concession dated October 13th, 1835, approved by the territorial deputation by a resolution dated the 15th of the same month, the final "titulo" for which was issued under date of December 2d, 1835; which tract of land is more particularly bounded and described in the petition of said José Noriega to the political chief, dated July 24th, 1835, and the diseño or map accompanying the same, contained in the espediente on record in the public archives, a traced copy whereof is given in evidence and contained in the transcript in this case, to all which said paper reference is hereby expressly made: provided that confirmation is hereby made of the quantity of three square leagues only, or three sitios de ganado mayor, to be laid off and located within the boundaries described in the aforesaid petition and diseño or map, so as to include the dwelling-house and improvements of the late John Marsh, the original claimant in the case; the said land to be surveyed in the form and

divisions prescribed by law for surveys in California, and in one entire tract.

OGDEN HOFFMAN,
U. S. Dist. Judge.

Endorsed: Filed October 25th, 1858.
W. H. CHEVERS, *Clerk.*

Order granting Appeal.

At a stated term of the district court of the United States of America for the northern district of California, held at the court-room in the city of San Francisco on Monday, the 25th day of October, in the year of our Lord one thousand eight hundred and fifty-eight.

Present, the Honorable Ogden Hoffman, district judge.

THE UNITED STATES
vs.
ALICE MARSH, heir-at-law of John Marsh, deceased. } D. C. 107.—L. C. 213.

In this case, on application of P. Della Torre, esq., U. S. attorney, it is ordered that an appeal in behalf of the United States, from the final decision of the court rendered in said cause at the December, 1857, term, be and the same is hereby granted, and that a certified transcript of the pleadings, evidence, depositions and proceedings in the said cause be sent to the Supreme Court of the United States without delay; and the appellants are ordered to serve the usual citation according to law.

OGDEN HOFFMAN, *Dist. Judge.*

Endorsed: Filed October 25th, 1858.
W. H. CHEVERS, *Clerk.*

Citation.

The United States of America, to Alice Marsh, heir-at-law of John Marsh, deceased, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden in Washington, on the first Monday in December next, pursuant to an order of appeal granted on the twenty-fifth day of October, A. D. 1858, by the district judge of the district court of the United States for the northern district of California, in a certain suit wherein the United States are plaintiffs and you are defendants on appeal, to show cause, if any there be, why the decision in the said appeal mentioned should not be corrected, and speedy justice should not be done to the parties in that behalf.

Witness my hand and seal at San Francisco, this twenty-fifth

day of October, in the year of our Lord one thousand eight hundred and fifty-eight.

OGDEN HOFFMAN, [SEAL.]
U. S. Dist. Judge.

UNITED STATES MARSHAL'S OFFICE,
Northern District of California.

I hereby certify that this citation was received on the 25th day of October, 1858, and that on the 27th day of October I served a copy of this citation personally upon James Wilson, attorney for claimant, in the city of San Francisco, and at the same time exhibiting the original citation in this cause.

San Francisco, October 27th, 1858.

P. L. SOLOMON,
U. S. Marshal.
By JOHN H. WILLIAMS,
Deputy Marshal.

Endorsed: Filed October 28th, 1858.

W. H. CHEVERS, *Clerk.*

I, W. H. Chevers, clerk of the district court of the United States for the northern district of California, do hereby certify that the annexed and foregoing pages, numbered from one to one hundred and three, both inclusive, contain a full, true, and correct transcript of the record from the board of U. S. land commissioners, and of the pleadings, deposition, exhibits, orders, opinion, decree and citation in said court, filed in this office in the case of The United States, appellants, vs. Alice Marsh, appellee.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court, this fourth day of November, A. D. [SEAL.] 1858, and of our independence the 83d.

W. H. CHEVERS, *Clerk.*

Filed 11th December, 1858.

the chamisal is a ridge of sand-hills from one to two hundred feet high. They are blown up on the edge of the water. There are no other like them on the San Joaquin river, below Stockton; on the southerly or rather southwestwardly side of the premises are high hills of mountains; in a northerly direction, the gap before mentioned is very distinguishable when you get to it. The path leads through it. The place marked on the map as the "Cinto de la Cueba" is a mountain plainly to be seen from all parts of the valley.

Question by Mr. Greenhow, Associate Law Agent.

1 question. What description or direction did you follow in running these lines?

Answer. I followed the general descriptions given to me by the surveyor general, until I arrived at a point where by running thence a straight line to the place of beginning twelve leagues of land would be included in the survey. From that point I ran a straight line to the beginning point.

2 question How did you get a point of beginning?

Answer. I took the extreme eastern point of the Riblar. The first line described in my instructions is one running along the whole length of the Roblar.

3 question. In what direction does the chamisal lie from the end of your eastern line?

Answer. It is situated in a southwest direction from the end of the eastern boundary.

4 question. From the end of your eastern boundary at the Tular, in what direction did your next line run, crossing the creek of the Poblanos to the Meganos?

Answer. The general direction of that boundary is west, and this is the northern boundary of the tract surveyed.

5 question. Is the gap mentioned by you between the arroyo and the Meganos?

Answer. It is not.

6 question. Is the hill called "Las Cuevas" included within the tract surveyed by you?

Answer. It is not.

7 question. Does any part of the line surveyed by you border on the bay?

Answer. It does not.

Questions by Gen'l Wilson.

1 question. Look at the paper now here presented to you, with the map thereto attached, purporting to be instructions to you by the said surveyor general for the survey of said land, marked Exhibit No. 2, with the initials A. F., hereto attached, and state

whether they are the instructions before mentioned by you under which said survey was made.

Answer. They are the same.

J. E. WHITCHER.

Mr. Greenhow, associate law agent, attending to the taking of this deposition.

Subscribed to and sworn before me, at San Francisco, this twenty-fourth day of October, A. D. 1853.

ALPHEUS FELCH,
Commissioner.

Filed in office Oct. 24th, 1853.

GEO. FISHER, *Secretary.*

[*Here follows map; see original, page* 22.]

Deposition of Jose Noriega.

OFFICE OF THE BOARD OF COMMISSIONERS, &C.

This day, before Commissioner Alpheus Felch, came José Noriega, a witness in behalf of claimant, John Marsh, No. 213, who, after being duly sworn, deposed as follows:

The secretary to the board acted as interpreter.

Questions by Gen'l James Wilson, Att'y for Claimant.

1 question. What are your name, age, and place of residence?

Answer. My name is José Noriega; my age is fifty-three years; and I reside in the town of San José, in California.

2 question. Did you obtain a grant of the rancho called "Los Meganos;" if yea, at what time did you take possession of the same, when did you build a house or houses thereon, and how long did you continue in the personal occupation thereof?

Answer. I did receive a grant from the government of California to said land in 1835 or 1836. I took possession of said premises immediately; I believe the same month in which the grant was made. I built a house on the land in the same year, and also corrals, and planted a garden and stocked the rancho with cattle and horses. I lived in the house myself, and took care of the cattle on the place, and continued to occupy it personally until I sold it to Dr. Marsh. While I owned the place, I had on it constantly nine or ten men, and never less than seven. I kept that number, because it was in an Indian country and the Indians were hostile.

3 question. Did you at any time request a magistrate to give you judicial possession of said rancho? If yea, state the time when, what magistrate you applied to, and what was his reply.

Answer. I did apply to Dolores Pacheco, the magistrate at San José. There was no other magistrate in that vicinity. This application was made in 1838. I applied for the purpose of getting judicial possession of it, and turning it over to the present claimant, Dr. Marsh. He did not give me the possession. His reply was that he could not give me judicial possession, because the danger from Indians at the place was great, and he could not go there; that it would require a large fore, and he could not go. Dolores Pacheco was over fifty years of age, and a very large man, and liked his ease and comfort.

Questions by Mr. Greenhow, Associate Law Agent.

1 question. Was there a grove of oaks (roblar pinor) near the tract granted to you?

Answer. There was. There were two—one near the house, and the other was along the margin of the Tular, about two leagues from the house, or a little less. There were also scattering oak trees along the creek between the two.

2 question. What was the northern boundary of the land granted to you?

Answer. The river San Joaquin. I do not know how great a distance the river formed such boundary.

3 question. How far was the house which you built from the river?

Answer. I never measured it. In my opinion, it is about two leagues or less.

4 question. Was the chamisal included in your land?

Answer. It was; but as it was bad land, I could make no use of it.

5 question. Did you draw your petition for the grant yourself?

Answer. I framed it, but another person drew it off. I do not remember who made the map.

6 question. Do you know between what points ran the straight line mentioned by you near the beginning of the description of the land in your petition?

Answer. There were no coterminous neighbors. I do not recollect the points which I mentioned at that time.

JOSÉ NORIEGA.

Subscribed and sworn to before me this 9th day of Nov., 1853.

ALPHEUS FELCH, *Com'r.*

Filed in office Nov. 9, 1853.

GEO. FISHER, *Sec'y.*

[1 S. D. K.]

Espediente.

Sobre el parage nombrado "Los Meganos," solicitado por Don José Noriega.

30.

[2 S. D. K.]

B.—*Espediente.*

Sello Tercero—Dos Reales.

Habilitado provicionalmente por la administracion de la aduana maritima de Monterey de la Alta California, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

A. RAMIREZ.

FIGUEROA.

S'r Gefe Sup'r Politico:

El ciudadano José Noriega, residente en este Territorio ante la justificacion de V. S. hago presente; que habiendo resuebto radicarme en este pais, y con alguna proporcion para emprender el giro mas y productivo en el que es la agricultura y cria de ganados, es por consiguiente de necesidad tener un terreno propio á que aplicar el corto capital que poseo, y como al efecto me hayo dedicado hace algunos dias á reconocer gran parte del que queda al N. y nordeste de esta poblacion en solicitud, de algun parage valdio que pudiera convenir á mis proyectos, hube de encontrar por ultimo el sitio nombrada los Meganos, cuyo plano acompaño á este, el cual estoy bien informado no pertenece a terreno de mision ni particular alguno, y cuyos limites son al este con los Indios de los Tulares y siguiendo de alli linea recta todo el roblar hasta un tular y dando vuelta al N. contando el arroyo de los Poblanos que pasa entre el mismo roblar hasta un Megano que esta a la punta de un chamisal que da al nordeste; despues continuando desde este punto hacia el sur por todas las lomas que quedan al S. este hasta la montaña que llaman de los Bulgones, y pasando un poco mas adelante del portezuelo por donde atraviesa la vereda que parte del arroyo para los Meganos, tomando el descenso de la loma immediata que se advirte alli quedando dentro el cerrito nombrado de las Cuebas, estara otra linea recta de sur a este hasta encontrarla que se indico al comenzar la delineacion del sitio que todo el consta de cuatro leguas de sur a norte y tres de este a oeste.

En cuyos terminos y estando seguro de no pertenecer el mencionado sitio como llebo dicho a mision ni particular alguno, asi como de que nadie hasta ahora lo haya pedido.

A. V. S. suplico se digne disponer (previos los tramites de estilo) se me declare la propiedad del re—

Cuadrilla dela Sierra

Sierra con Monte

Canadas

Lomas

Arroyo del Butasia

Nota

1 Norde sur tiene una legua de largo
y de este à oeste tiene vn quarto de legua

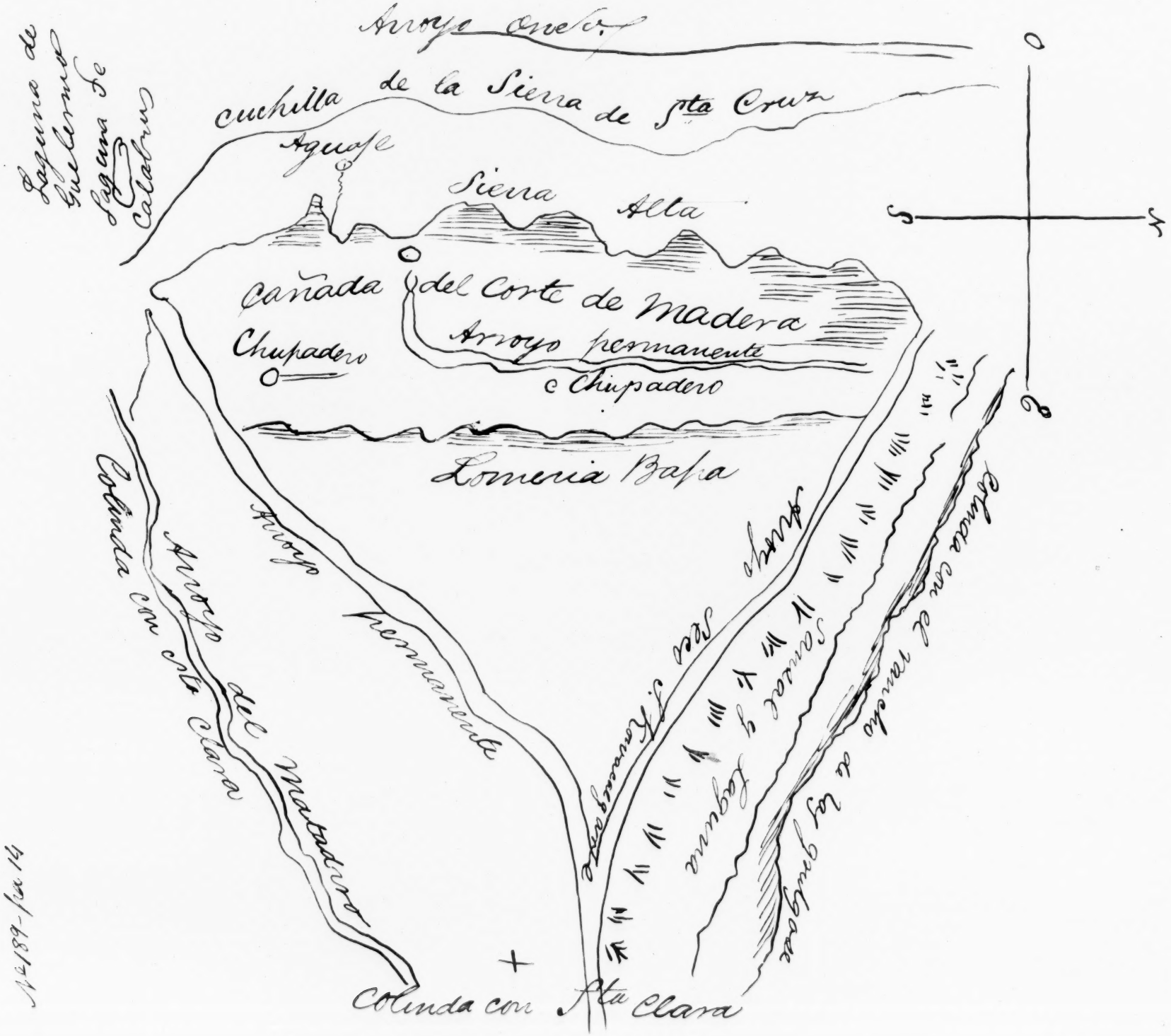
Cuadrilla del Sinclero del Curato de Antonia Sacalua

Lomas

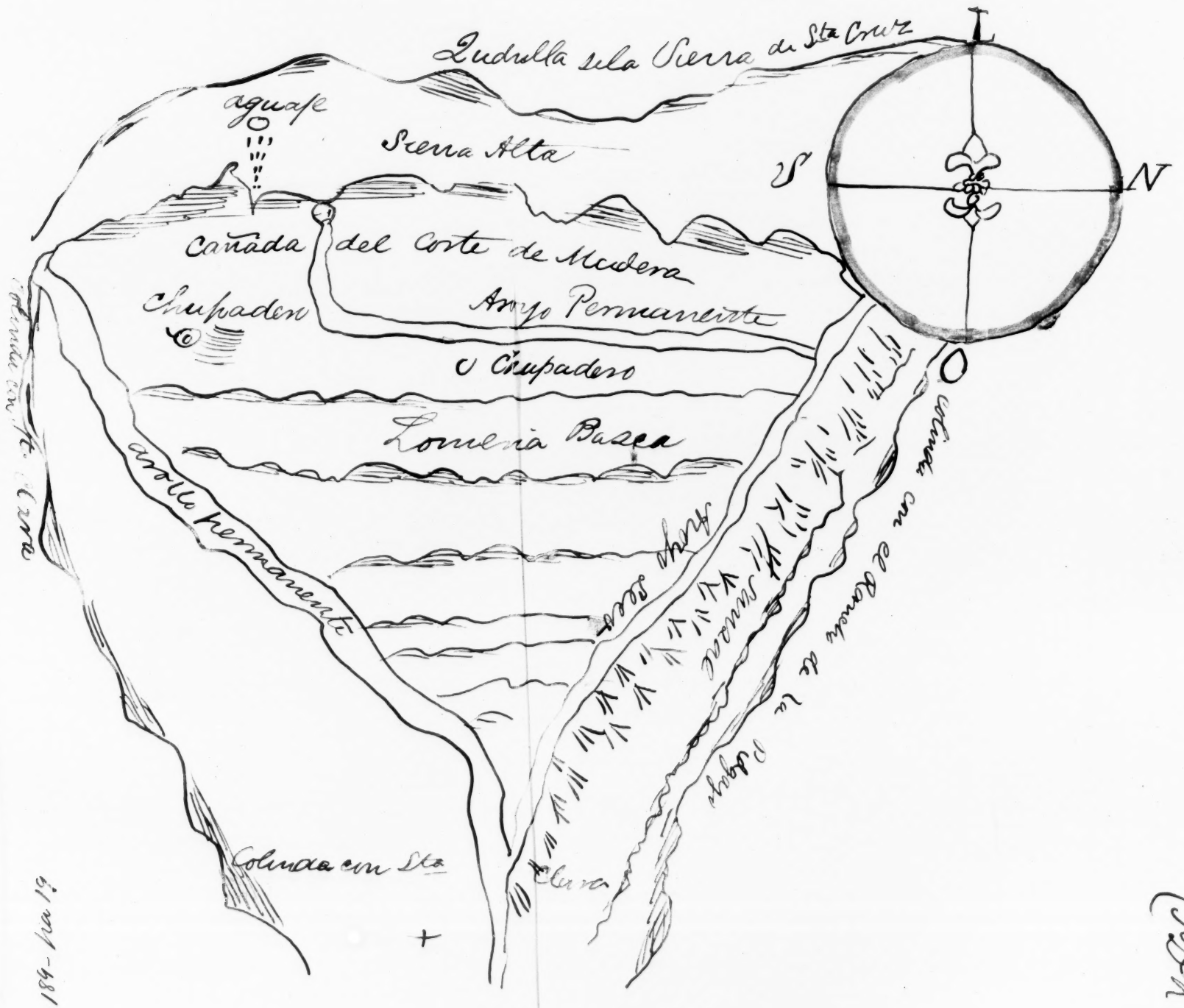
Costa del Mar

desembocadero de los ortotos

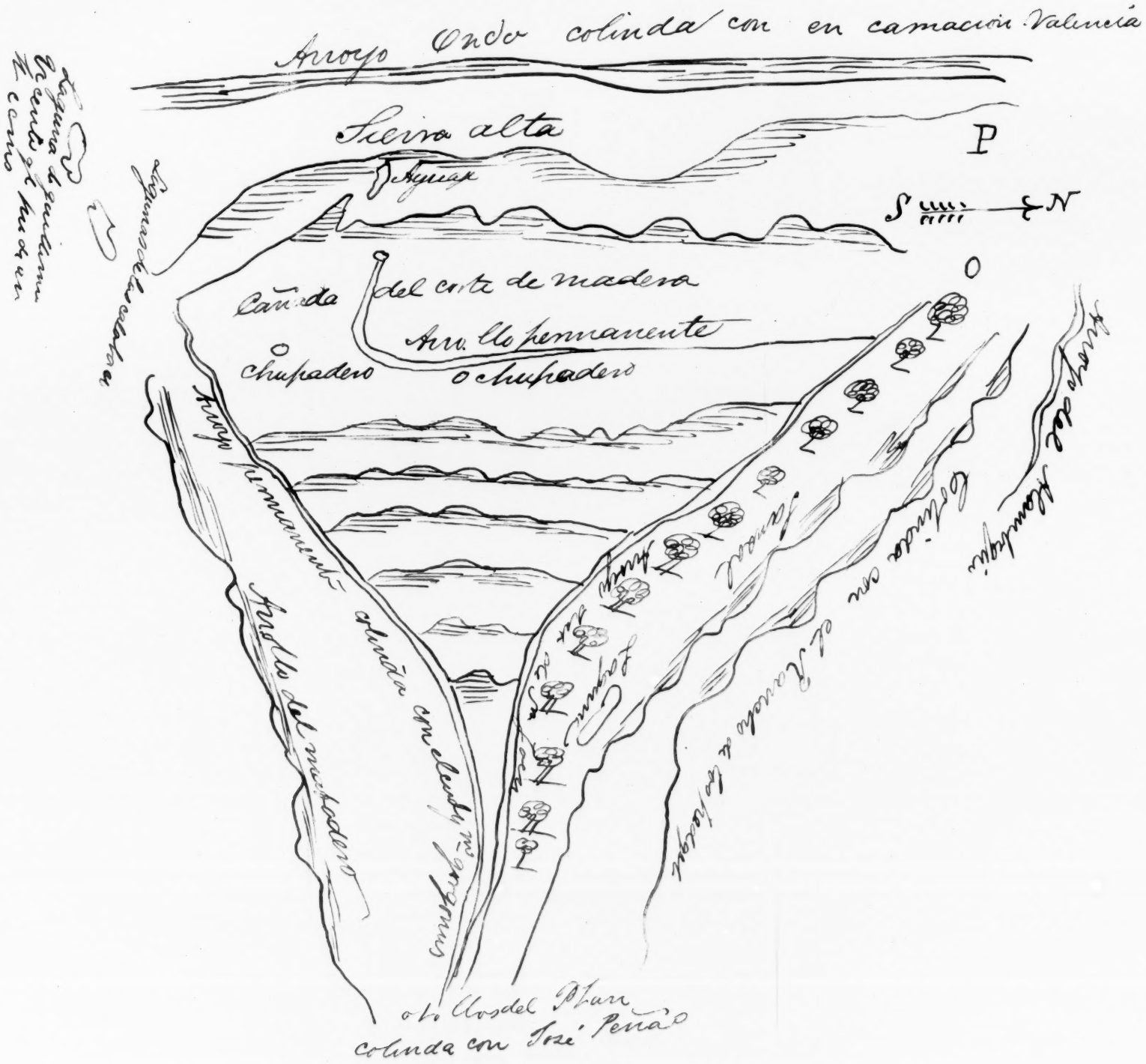
Nº 185 - Plano 15



No 189-Foja 14


Cudrilla sela Sierra de Sta Cruz
aguaje
Sierra Alta
S
N
Cañada del Corte de Madera
Chupadero
Arroyo Permanente
o Chupadero
Lomeria Baxa
arroyo hermanente
Columna con Sta
Cruz
Arroyo seco
Cruz
Cruz con el Monte de la Virgen

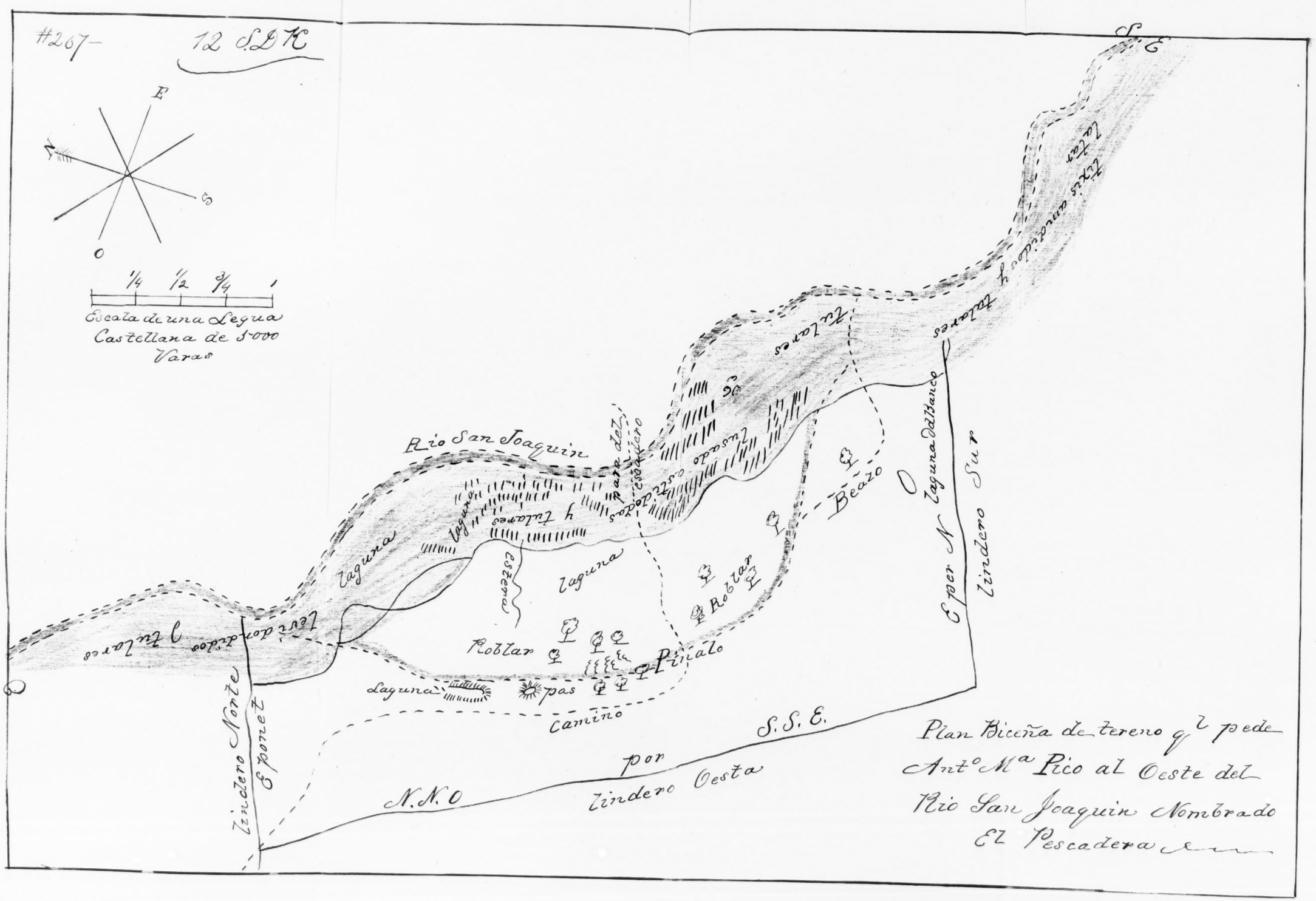
No 189 - Via 1ª


Arroyo Onda colinda con en camacion Valencia
Sierra alta
P
Aguas
S
N
O
Cañada
del corte de madera
Arroyo permanente
o chupadero
chupadero
Arroyo
Arroyo permanente colinda con el solar de Manuel Antonio Ramirez
Arroyo de
Camino que va de la Poblacion a los Llanos
Alamedas
Arroyo permanente colinda con el solar de Manuel Antonio Ramirez
Solar de
Manuel
Antonio
Ramirez
Solar de
Juan
Antonio
Ramirez
Solar de
Juan
Antonio
Ramirez
Solar de
Juan

#267-

12 L.D.K.

Escala de una Legua
Castellana de 5.000
Varas



Plan Biceña de terreno q.l pede Ant.o M.a Pico al Oeste del Rio San Joaquin Nombrado El Pescadero

N.o 190 - Rayo 12.-

#490

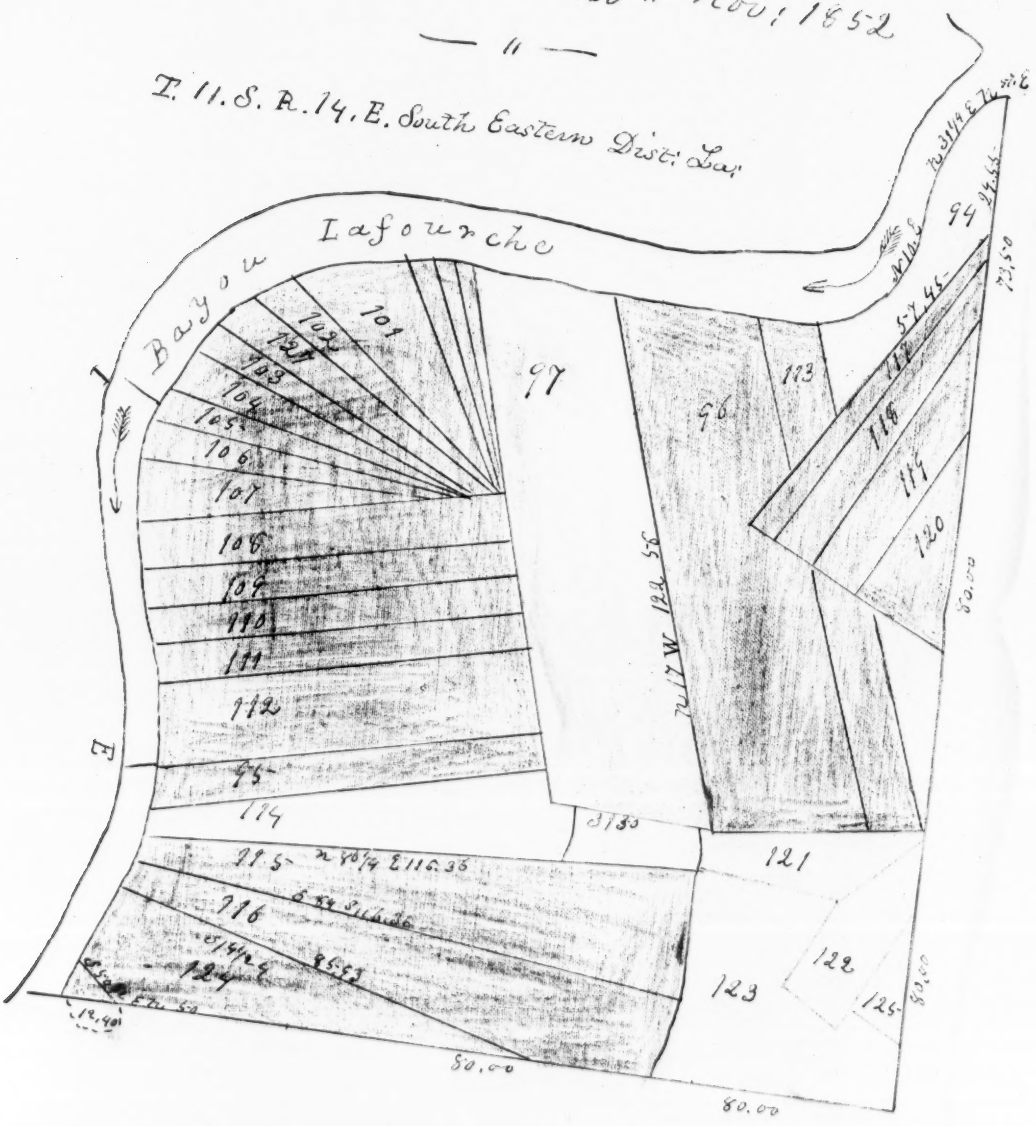
Martinez
Don Ignacio
Solar
coral
Huerta con Vara
Tierras de Labor
Solar
Solar
Solar

No 194 - Page 23. -

Plan Marked - A -
Filed in evidence 20th Nov: 1852

— 11 —

T. 11. S. R. 14. E. South Eastern Dist: La.

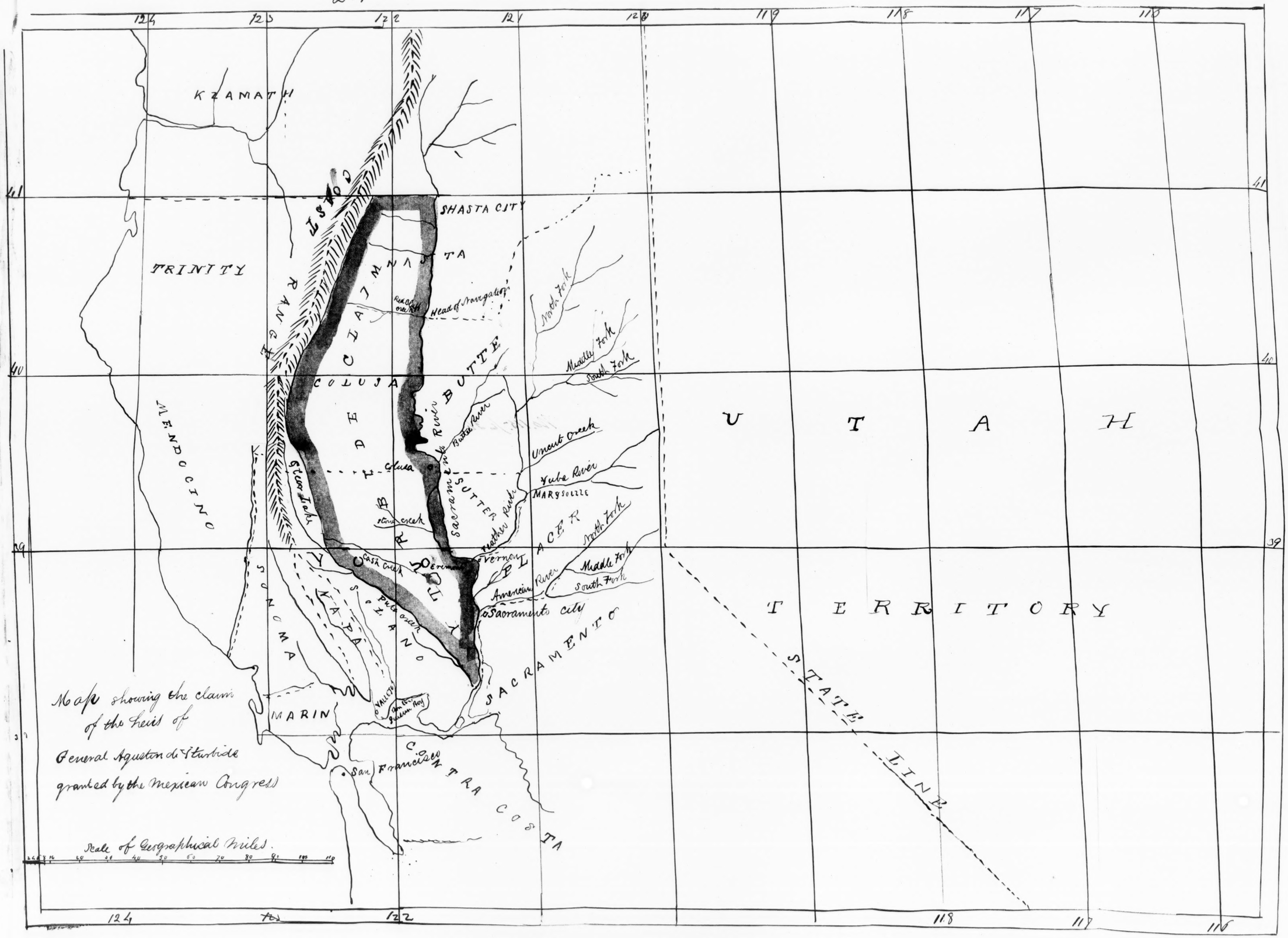


Filed in Office July 6th, 1852.
(signed). Geo. Fisher Sy

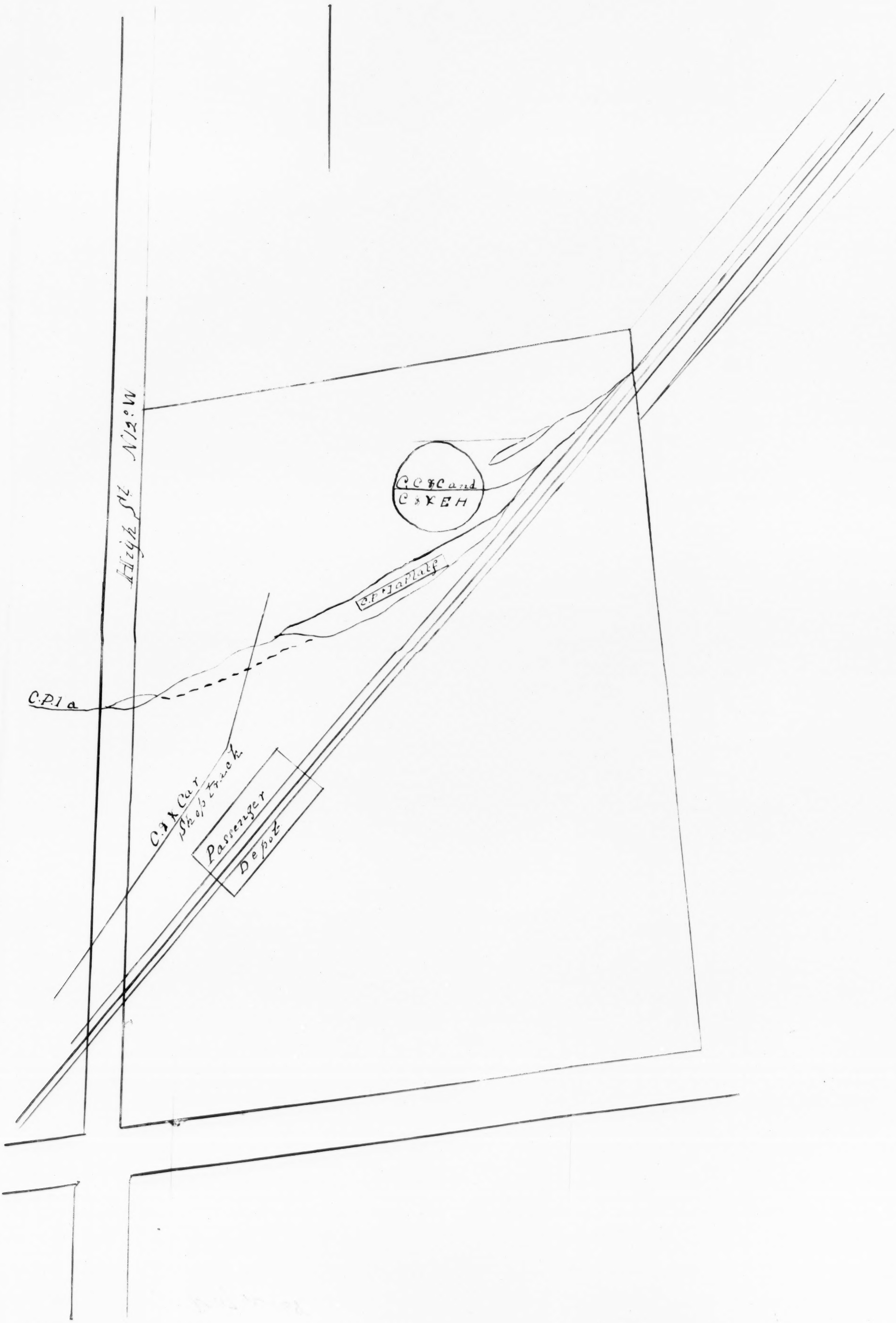
Exhibit "G"

No 196, ha. 64.

281. 2



Map showing the claim of the heirs of General Agustin de Iturbide granted by the Mexican Congress


Height 25' N12°W
C.P.1a
C.P.Tailals
Passenger
Depot

S S D K

Laguna del Monte del Diablo

Linea Divisoria

N

Var. 13° E

O

E

S

Diseño
De un
Silio Baldio
situado al S.O. Del
Monte del Diablo
y
Pedido Por Dn.a Juana
Pacheco

Las Juntas

Arroyo de las Nueces

Arroyo Seco

Tular

Laguna

Tular

Sierra de Golgones

Arroyo de las Nueces

Tular

Sierra Divisoria

Parte de
Sn. Ramon

Tomas Arias

Arroyo del Tucerto

Parte Del Valle
de
Sn. JOSE.

Escala de una Legua

№ 207 – fra 21

North

oak marked
QB

Justs Larios house

Arroyo Seco

Los Gatos

oak
oak

West

Justo Larios Land

Walkers Shaw House

Arroyo de los Alamitos

Hedges

oak marked B

mantle mine D

South

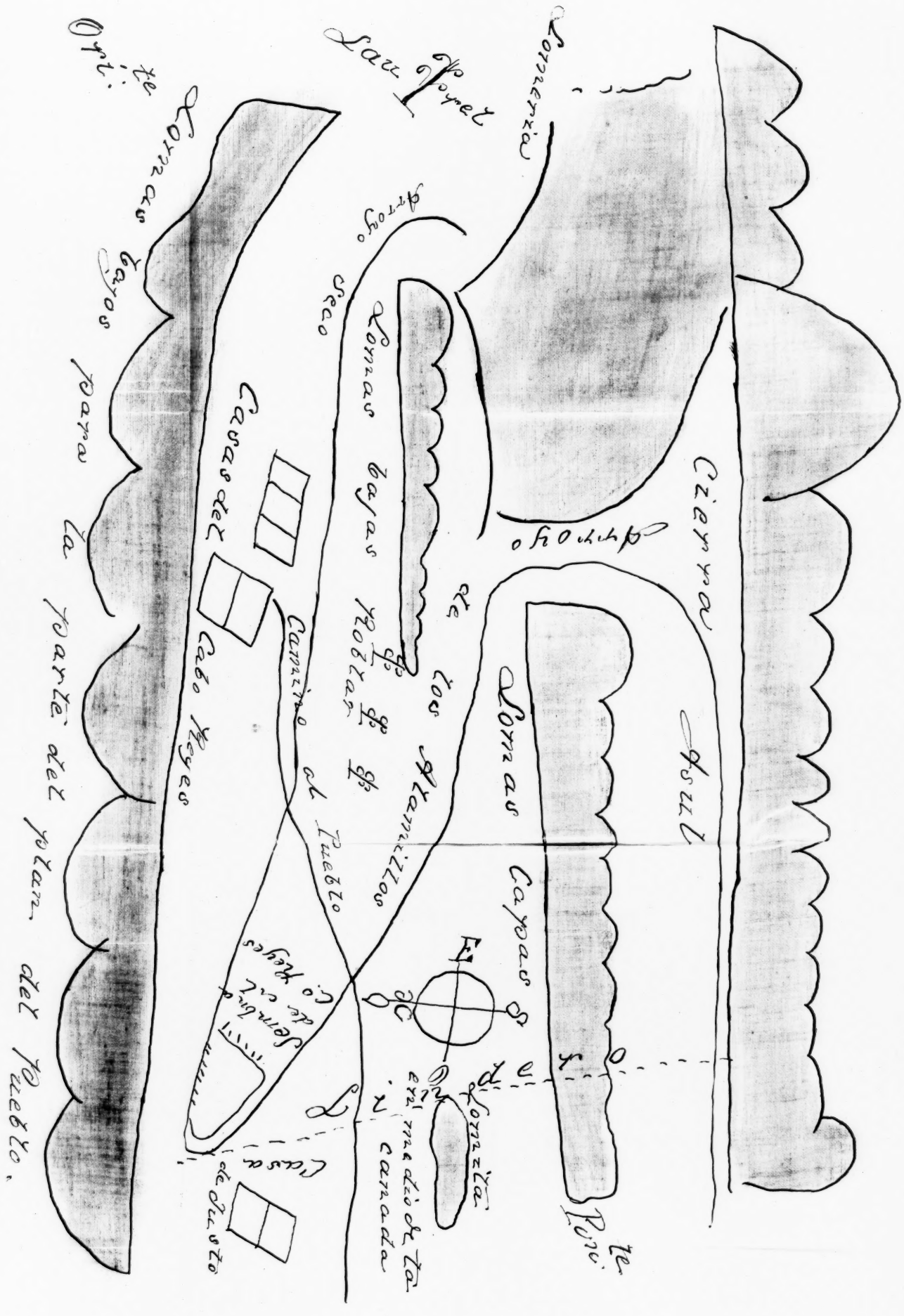
№ 503

Map of Mining claims
near the Pueblo of San Jose

Exhibit 1. to Depo
of Justo Larios Pl

Filed in office June
7 1854

Geo Fisher
Secy



1907 - Jaime - 68 - (Arg.)

Exhibit No. 1
No 503 M.F. Annex to Dep.
of Wm. J. Lewis

No-207- page 63

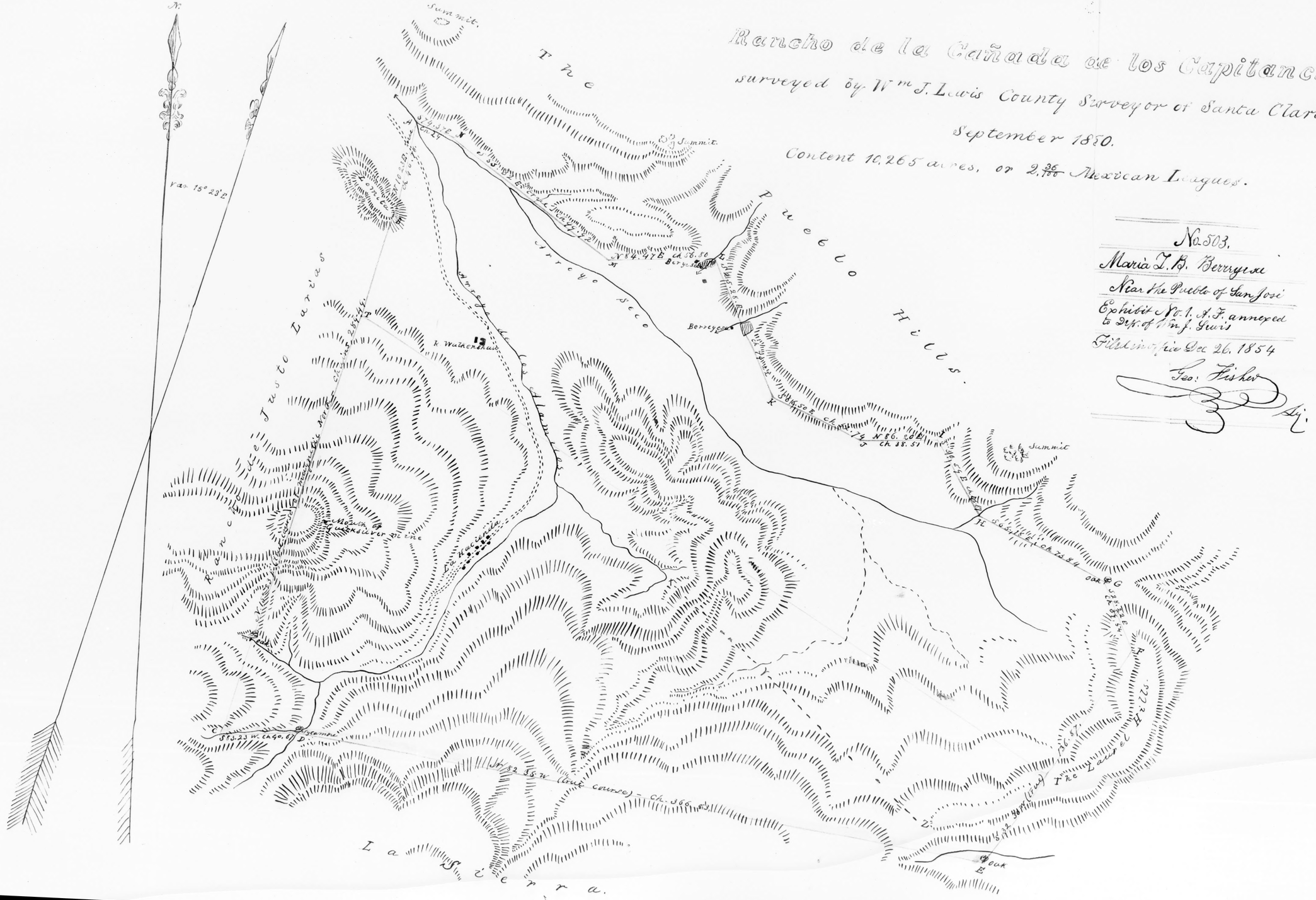
Rancho de la Cañada de los Capitancillos,

surveyed by Wm J. Lewis County Surveyor of Santa Clara Co.

September 1850.

Content 10,265 acres, or 2,36/100 Mexican Leagues.

No 503.
Maria I. B. Berryessa
Near the Pueblo of San Jose
Exhibit No 1. A.F. annexed
to Dep. of Wm J. Lewis
Filed in my office Dec 26. 1854
Geo. Fisher
Dep.


N
Var 15° 23' E
Summit
Rancho
Pueblo
Hills
Arroyo Seco
Berryessa
Summit
Rancho de los Capitancillos
Mouth of Creek
Rancho de los Tularcitos
Rancho de los Alamitos
Summit
Oak
Oak
Oak

A.T.K.

RANCHO
DE LOS CAPITANCHLOS

Granted by the Mexican Government to

JUSTO LARIOS

Containing 8032 Acres as surveyed

March 1855 by

WILLIAM J. LEWIS

Scale 20 chains to one inch

North

Magnetic

True Meridian

Variation 15° E.

Rancho de la Cañada de los Capitanchillos

Pueblo Hills

Arroyo de los Capitanchillos

Laurencel

Falda de la Loma

Loma

Bereyesa

Milk Ranch

Augustin Narvaez

Baulista

Arroyo de San Juan

Rancho

Encinas

CHEMICAL REAK

SIERRA DE ENCINOS

MOKELUMNE Mine

Mine Hill

14

Rancho de la Cañada de los Capitancillos

Pueblo Hills

Arroyo de los Capitancillos

Laurencel

Falda de la Loma

Bereyesa

Hacienda

Milk Ranch

MOKELUMNE or Mine Hill

SIERRA DE ENCINOS

Encinos

CHEMISAL REAK

A. 756.

No 709.

Maria L. B. Bereyesa

14

Containing [illegible]

March 1855 by
WILLIAM J. LEWIS

Scale 2 chains to an inch

North

Magnetic

True Meridian

Augustin Narvaez

Baulista

Arroyo Seco

Rancho de San Juan

Arroyo de los Laurel

Pueb[illegible]

Milk Ranch

Encinos

CHEMISAL RGE.

SIERRA DE ENCINOS

Mc UMUNHUM

Note. In the topography each horizontal curve represents a vertical height of 50 feet.

14

Hills

Arroyo de los Capitancillos

Laurel

Falda de la Loma

Bereyesa

Laurel

Hacienda

Arroyo de los

Ranch

Encinal

MOKELUMNE
Mine Hill

Arroyo

SIERRA DE ENCINOS

Encinos

CHEMISAL REEK

Mt UMUNHUM

A. J. 56.

No 509.

Maria Z. B. Berreyesa

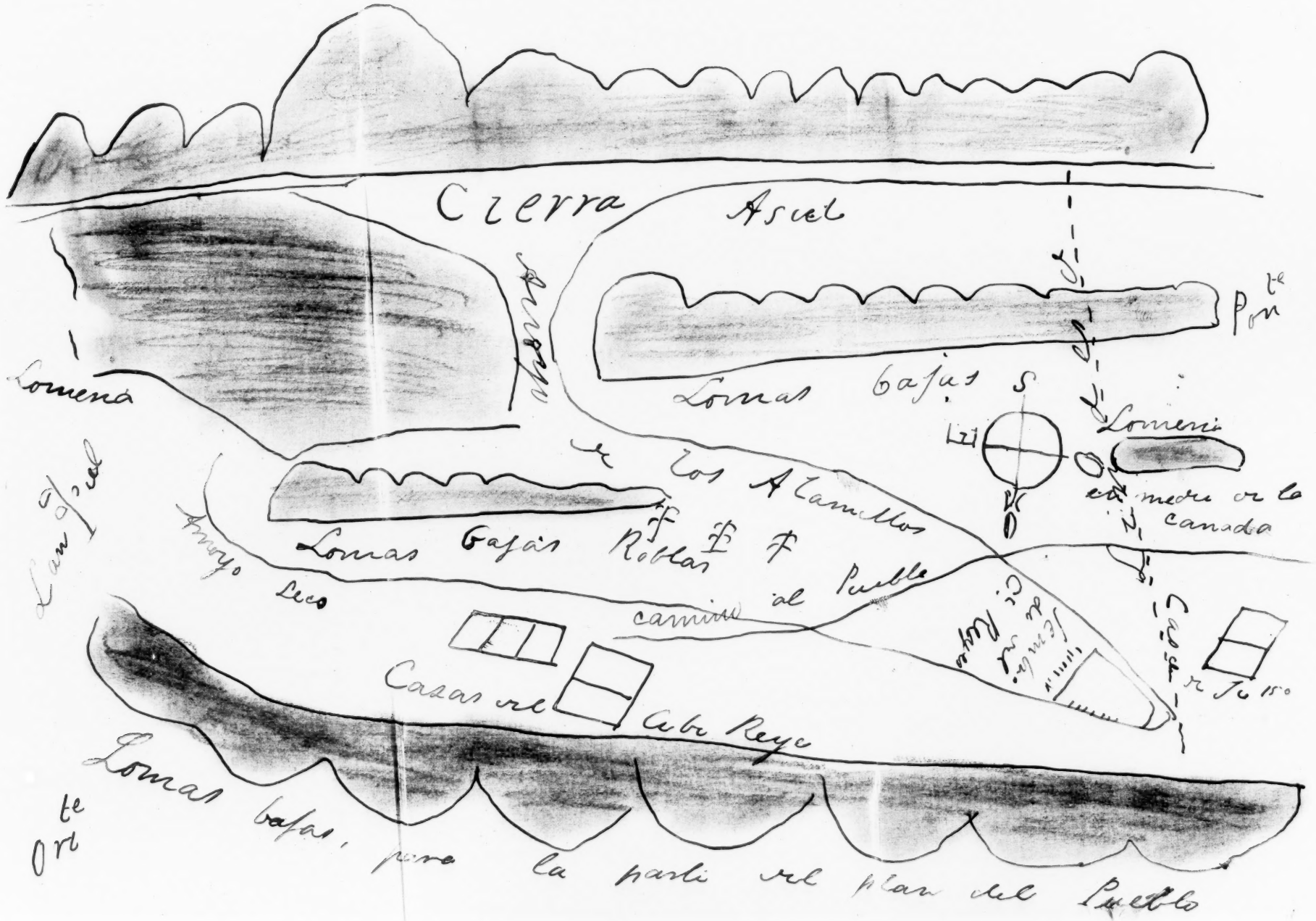
Near the Pueblo of San Jose

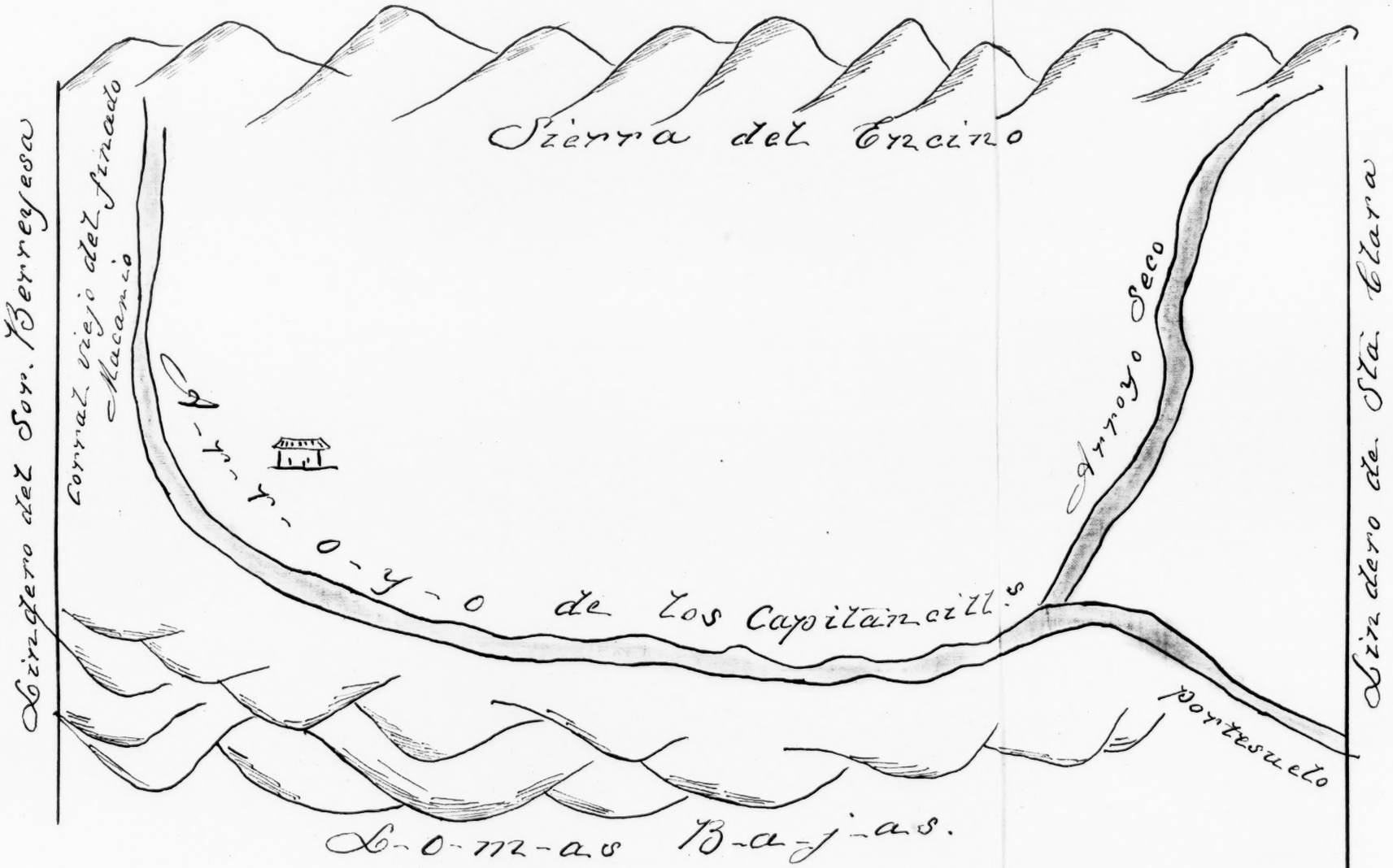
Filed in office March. 21. 1855

Geo. Fisher

Surv.

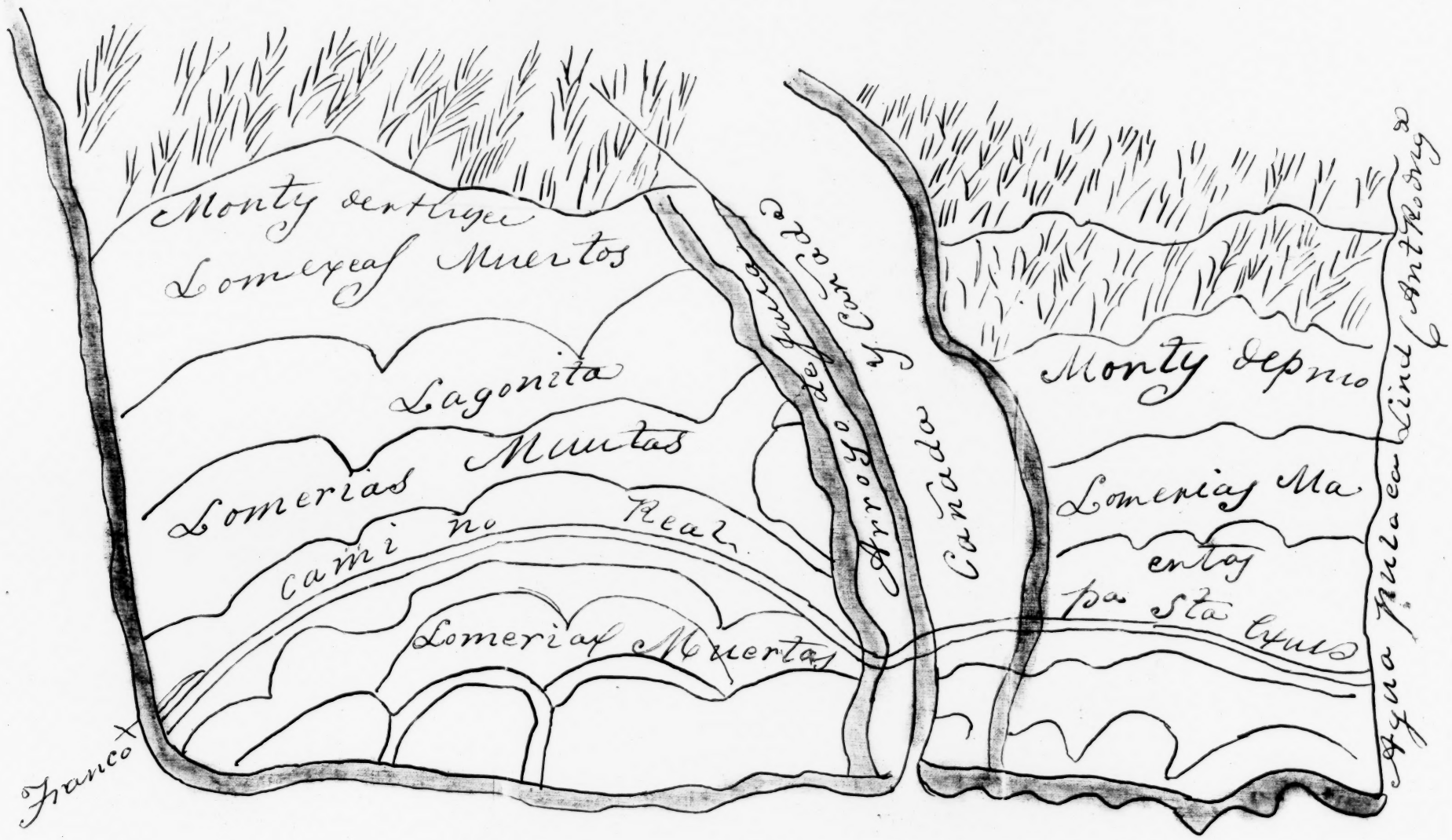
14


Cierra
Asul
Arroyo
Lomena
Lomas bajas S
Lomeria
Los Alamillos
Lomas bajas Rotas
Arroyo Seco
camino al Pueblo
Casas de Cabo Reyes
Lomas bajas, para la parte del Pueblo

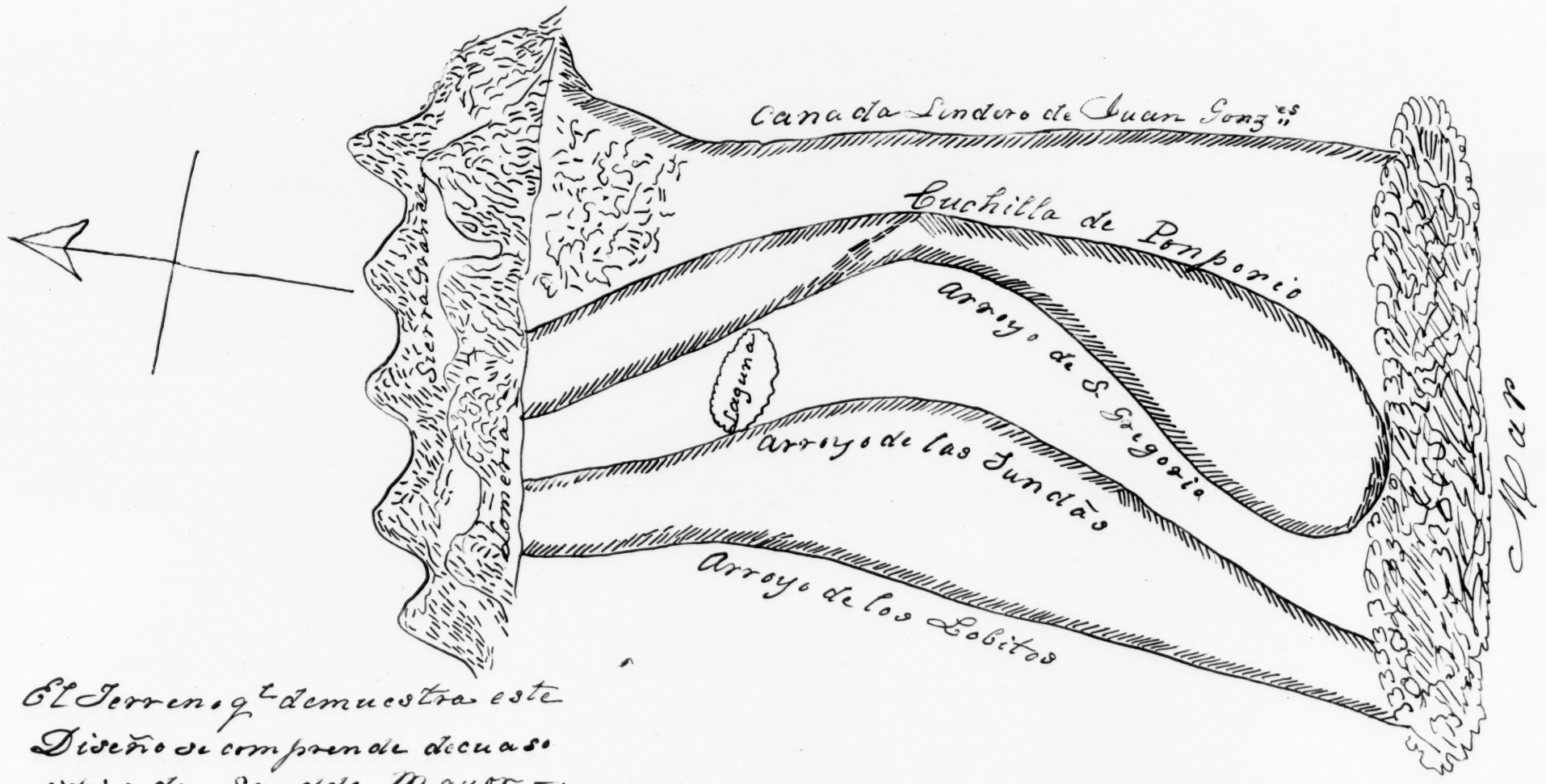


El terreno q.e demuestra mi diseño comprende una legua poco mas ó menos.

N.º 207. Pagª 95.



USDOS - Page 16 -



El Terreno q.e demuestra este Diseño se comprende de cuatro sitios de Sanado Mayor —

No 217 - Pag. 82 —

PLAT

of the Part of

SAN GREGORIO RANCHO

finally confirmed to

SALVADOR CASTRO

Surveyed under the Orders

of the

U.S. SURVEYOR GENERAL

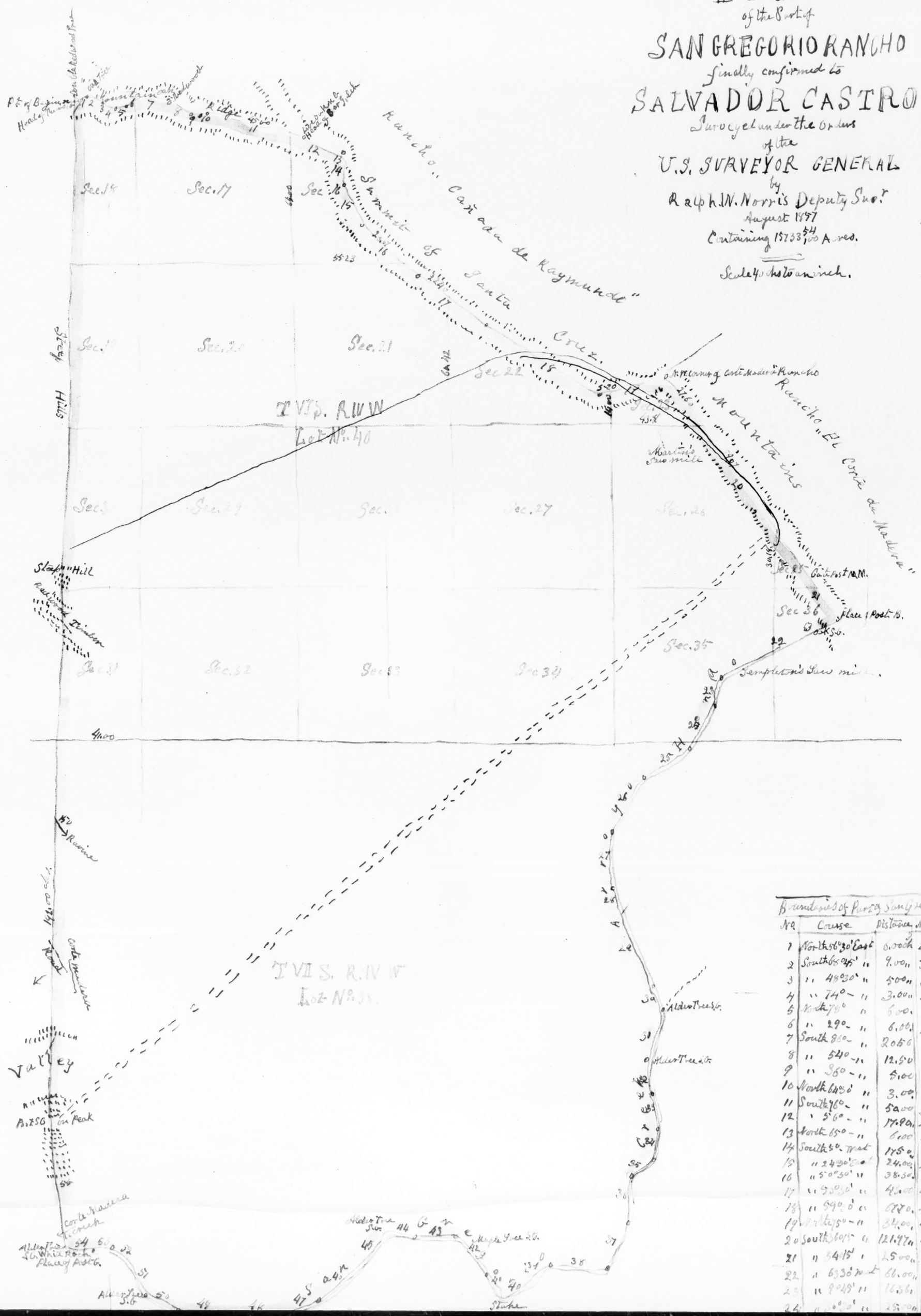
by

Ralph N. Norris Deputy Sur.r

August 1857

Containing 15733 54/100 Acres.

Scale 40 chs to an inch.



Boundaries of Part of San Gregorio Rancho (S. Castro).

No.	Course	Distance	No.	Course	Distance
1	North 86° 30' East	0.00 ch	29	South 22° 30' East	34.80 ch
2	South 64° 45' "	9.00 "	30	" 22° 45' "	12.00 "
3	" 48° 30' "	5.00 "	31	" 16° West	30.00 "
4	" 74° - "	3.00 "	32	" 16° 15' East	12.00 "
5	North 78° "	6.00 "	33	" 4° 30' "	20.00 "
6	" 29° - "	6.00 "	34	" 8° 30' West	18.00 "
7	South 86° - "	20.50	35	" 42° - "	15.50 "
8	" 54° - "	12.50	36	" 30° 30' "	23.00 "
9	" 38° - "	5.00	37	" 27° 30' "	25.50 "
10	North 64° 30' "	3.00	38	North 84° 15' "	24.68 "
11	South 76° - "	5.00	39	South 45° - "	12.00 "
12	" 56° - "	17.90	40	" 68° - "	17.50 "
13	North 65° - "	6.00	41	North 30° - "	19.24 "
14	South 5° West	17.50 "	42	" 37° 45' "	23.05 "
15	" 24° 30' East	24.00	43	West	20.47 "
16	" 5° 30' "	38.30	44	[illegible] West	15.30 "
17	" 55° 30' "	46.00	45	South 30° 45' "	20.00 "
18	" 59° 30' "	6.80	46	" 9° 45' "	26.00 "
19	North 5° - "	34.00	47	" 65° 45' "	40.70 "
20	South 80° 15' "	121.77 "	48	North 56° 15' "	25.50 "
21	" 34° 15' "	25.00 "	49	" 86° 45' "	25.30 "
22	" 63° 30' West	60.00 "	50	" 63° 45' "	17.00 "
23	" 9° 45' "	16.36	51	" 28° 45' "	11.00 "
24	" 8° 30' "	25.00 "	52	" 81° 45' "	14.00 "

Raph. W. Norris Deputy Surv.

August 1857

Containing 15733 54/100 Acres.

Scale 40 chs to an inch.

"Rancho de Raymundo"

Santa Cruz

Rancho "El Corte de Madera"

Mountains

Sec. 21 | Sec. 22 | Sec. 23 | Sec. 24

T VI S. R IV W
Lot No. 40

Sec. 30 | Sec. 29 | Sec. 28 | Sec. 27 | Sec. 26

Sec. 31 | Sec. 32 | Sec. 33 | Sec. 34 | Sec. 35 | Sec. 36

Steph's Hills

Stephens Hill

Redwood Timber

Martin's Saw mill

Cal. Post N.M.

Place of Post B.

Templeton's Saw mill

Valley

B. 256 on Peak

Ravine

Corte Madera Creek

T VII S. R IV W
Lot No. 39

Alder Tree S.G.

Maple Tree 26.

Stake

Alder Tree S.G. White Rock Place of Ass't G.

Cotton wood tree S.G.

The field notes of the "Part of San Gregonia Rancho", and from which this plat has been made out, have been examined and approved, and are on file in this Office.

U. S. Surveyor Generals Office
San Francisco California
November 19th 1857.

L.S.

J. W. Mandeville Dep. Surv. Gen. Cal.a

Boundaries of Part of Santa Gregonia Rancho (S. Cas 370).

No	Course	Distance	No	Course	Distance
1	North 56° 30' East	6.00 ch	29	South 22° 30' East	19.00 ch
2	South 68° 45' "	9.00 "	30	" 22° 45' "	12.00 "
3	" 48° 30' "	5.00 "	31	" 16° West	30.00 "
4	" 74° - "	3.00 "	32	" 16° 15' East	1.00 "
5	North 78° "	6.00 "	33	" 6° 30' "	30.00 "
6	" 29° - "	6.00 "	34	" 6° 30' West	15.00 "
7	South 84° - "	20.00 "	35	" 42° - "	19.50 "
8	" 54° - "	12.50 "	36	" 30° 30' "	23.00 "
9	" 38° - "	5.00 "	37	" 27° 30' "	25.00 "
10	North 64° 30' "	3.00 "	38	North 84° 15' "	24.00 "
11	South 76° - "	5.00 "	39	South 45° - "	12.00 "
12	" 56° - "	17.00 "	40	" 68° - "	17.00 "
13	North 65° - "	6.00 "	41	North 30° - "	15.25 "
14	South 5° West	17.50 "	42	" 37° 45' "	2.05 "
15	" 24° 30' East	24.00 "	43	West	2.00 "
16	" 5° 30' "	38.50 "	44	to the 10° 45' West	15.50 "
17	" 9° 30' "	46.00 "	45	South 38° 45' "	22.00 "
18	" 54° 0' "	68.00 "	46	" 8° 45' "	26.00 "
19	North 5° - "	34.00 "	47	" 68° 15' "	20.00 "
20	South 30° 15' "	121.00 "	48	North 86° 15' "	25.50 "
21	" 34° 15' "	25.00 "	49	" 86° 45' "	25.00 "
22	" 63° 30' West	66.00 "	50	" 65° 30' "	17.00 "
23	" 9° 45' "	16.50 "	51	" 2° - "	16.00 "
24	" 2° 30' "	25.00 "	52	" 51° 45' "	14.00 "
25	" 57° 45' "	27.00 "	53	South 53° 45' "	9.50 "
26	" 33° 45' "	30.00 "	54	North 86° - "	14.00 "
27	" 10° 45' "	27.00 "	55	" 60 "	65.00 "
28	" 27° - East	11.50 "	56	" 20° 30' East	14.00 "

19

No 217 – end of record

PLAT

of the Part of

San Gregorio Rancho

finally confirmed to

Maria Concepcion Valencia de Rodriguez.

Surveyed under the Orders

of the

U.S. Surveyor General

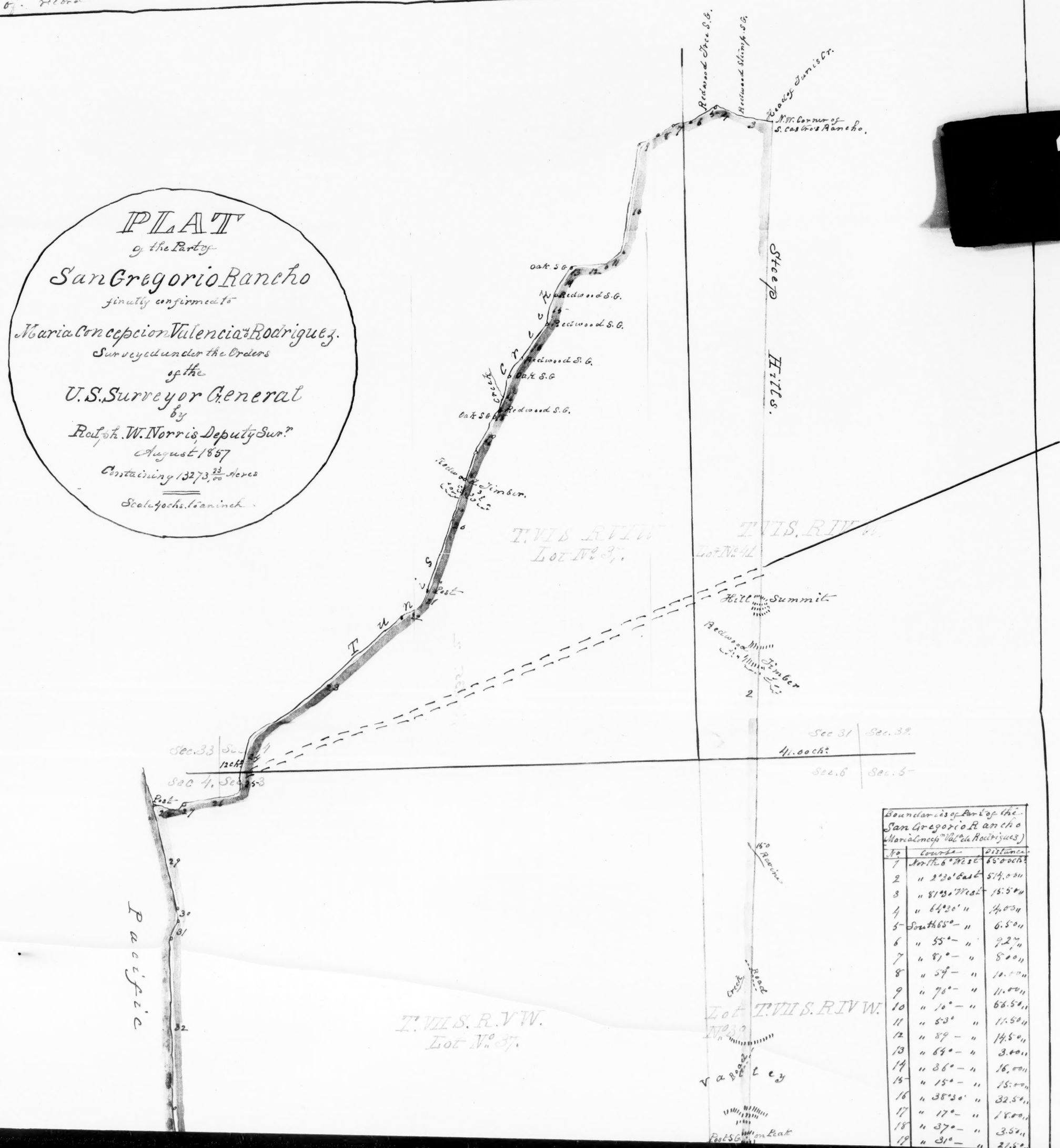
by

Ralph. W. Norris, Deputy Surr.

August 1857

Containing 13273 $\frac{23}{100}$ Acres

Scale 40 chs. to an inch.



Boundaries of Part of the San Gregorio Rancho (Maria Concep.n Val.a de Rodriguez)		
No	Course	Distance
1	North 6° West	65.00 chs
2	" 2°30' East	514.0 "
3	" 81°30' West	15.5 "
4	" 64°30' "	14.0 "
5	South 65° "	6.50 "
6	" 55° "	9.25 "
7	" 81° "	8.00 "
8	" 59° "	10.50 "
9	" 76° "	11.00 "
10	" 10° "	66.50 "
11	" 5.30 "	11.50 "
12	" 89 "	14.5 "
13	" 64° "	3.00 "
14	" 36° "	16.00 "
15	" 15° "	15.00 "
16	" 38°30' "	32.50 "
17	" 17° "	18.00 "
18	" 37° "	3.50 "
19	" 31° "	21.5 "

Maria Concepcion Valencia de Roariguez.
Survey under the Orders
of the
U.S. Surveyor General
by
Ralph W. Norris, Deputy Surr.
August 1857
Containing 1327 3 23/100 Acres
Scale 40 chs. to an inch.

Boundaries of Part of the San Gregorio Rancho (Maria Concepn Valencia Rodriguez)

No	Course	Distance
1	North 6° West	65.00 chs
2	" 2°30' East	54.00 "
3	" 81°30' West	15.50 "
4	" 64°30' "	4.00 "
5	South 65° - "	6.50 "
6	" 55° - "	9.25 "
7	" 81° - "	8.00 "
8	" 59° - "	10.00 "
9	" 76° - "	11.00 "
10	" 10° - "	66.50 "
11	" 5.30 "	11.50 "
12	" 89 - "	14.50 "
13	" 64° - "	3.00 "
14	" 36° - "	16.00 "
15	" 15° - "	15.00 "
16	" 38°30' "	32.50 "
17	" 17° - "	18.00 "
18	" 37° - "	3.50 "
19	" 31° - "	21.50 "
20	" 21° - "	73.50 "
21	" 25° - "	8.50 "
22	" 62° - "	11.50 "
23	" 51° - "	100.00 "
24	" 17° - "	26.00 "
25	" 1° - East	9.50 "
26	" 80°30' West	29.75 "
27	" 44° - "	6.00 "
28	North 74° - "	12.25 "
29	South 16° - East	53.00 "
30	" 7° - "	6.00 "
31	" 23°30' West	10.00 "
32	" 1°30' "	84.00 "
33	" 6° - East	53.41 "
34	" 13° - West	130.00 "
35	North 45°30' East	5.75 "
36	South 76°45' "	56.75 "
37	North 70°45' "	200.50 "
38	South 82°45' "	32.55 "

The field notes of the "Part of San Gregorio Rancho" and from which this plat has been made out, have been examined and approved, and are on file in this Office
U.S. Surveyor General's Office
San Francisco California
November 19th 1857

J. W. Mandeville
U.S. Surr. Genl Calia.

T. VII S. R. V W. Lot No. 37.
T. VII S. R. IV W. Lot No. 41
T. VII S. R. IV W. Lot No. 38
T. VII S. R. V W. Lot No. 37.

Hills.
Hill & Summit
Redwood Timber
Redwood Timber
Oak S.G.
Redwood S.G.
Oak S.G.
Redwood S.G.
Creek
Road
Post
Post S.G.
Post S.G. on Peak
San Gregorio Cr.
Corte Madera Cr.
Scrub Oak
S.W. Corner of S. Castro's Rancho
Alder Tree
Point of Beginning
Open & Rough Hills
Pomponio Creek
Scrub Oak
Post S.G.
Pacific Ocean
Sec 33 | Sec 4
Sec 1, Sec 3
Sec 31 | Sec 32
41.00 chs
Sec 6 | Sec 5
Lot No 41
Lot No 38
Valleys
150 Varas
12 chs
26
27
29
30
31
32
3
33
34
35
36
37
38
2
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4
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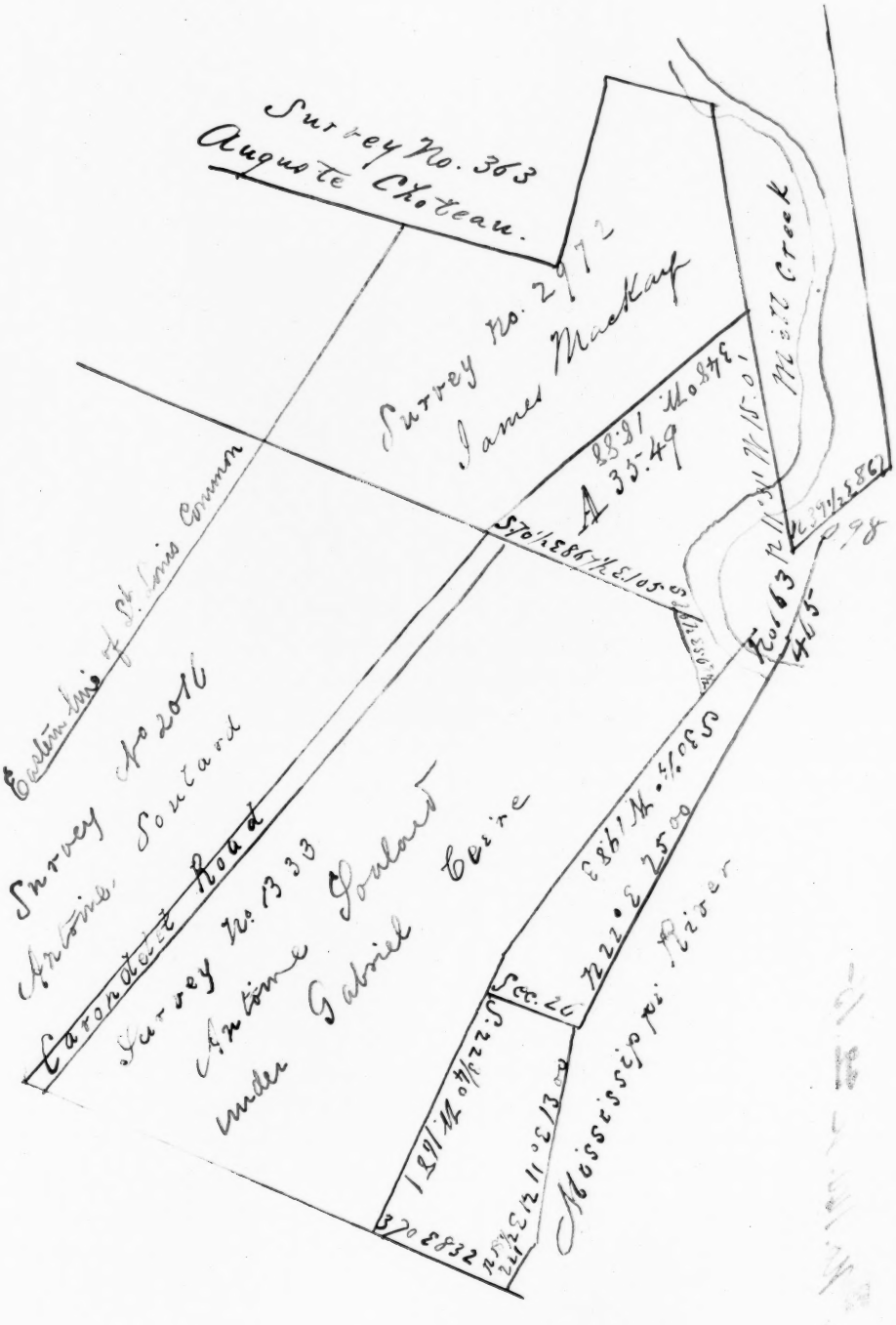
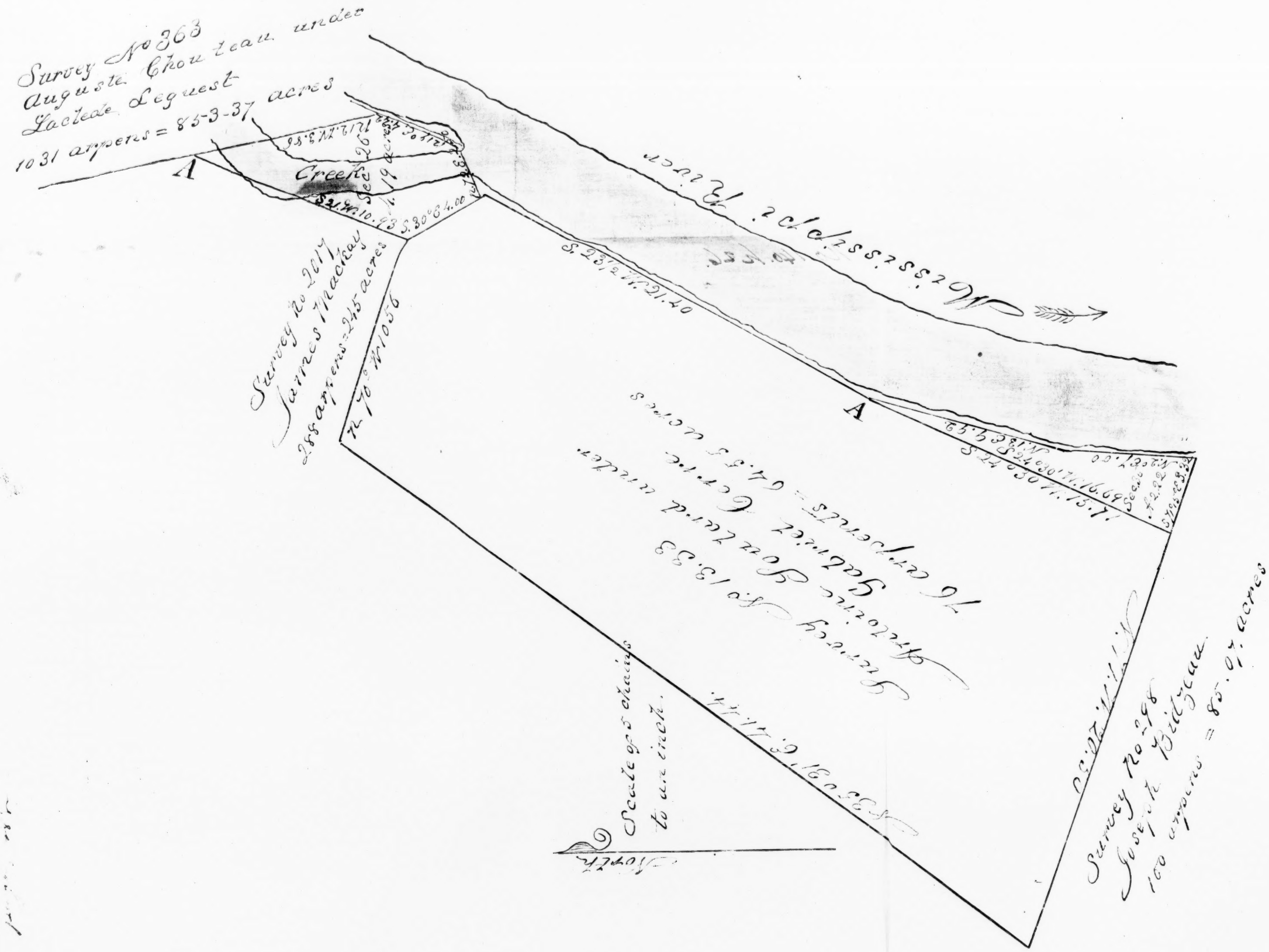
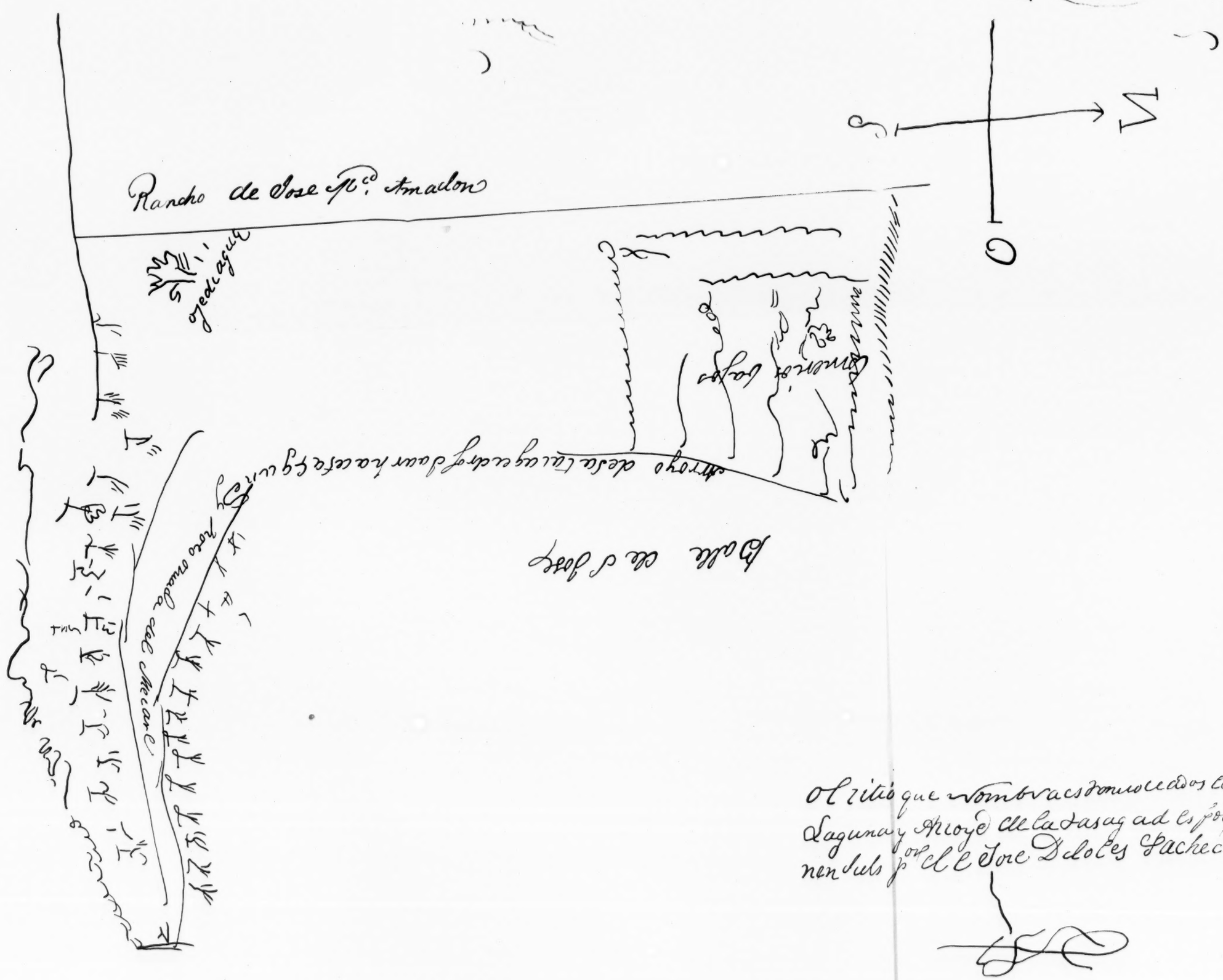
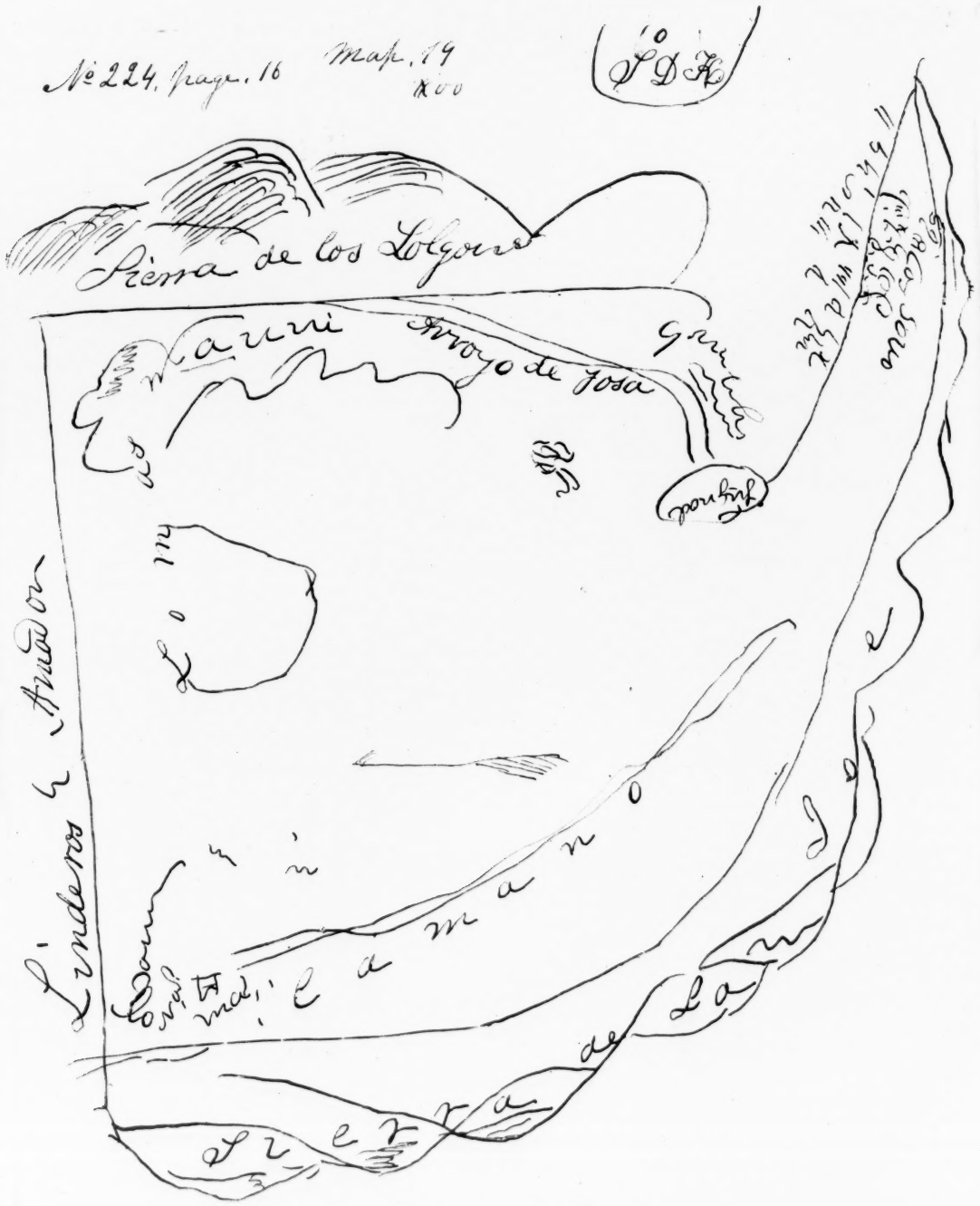
20

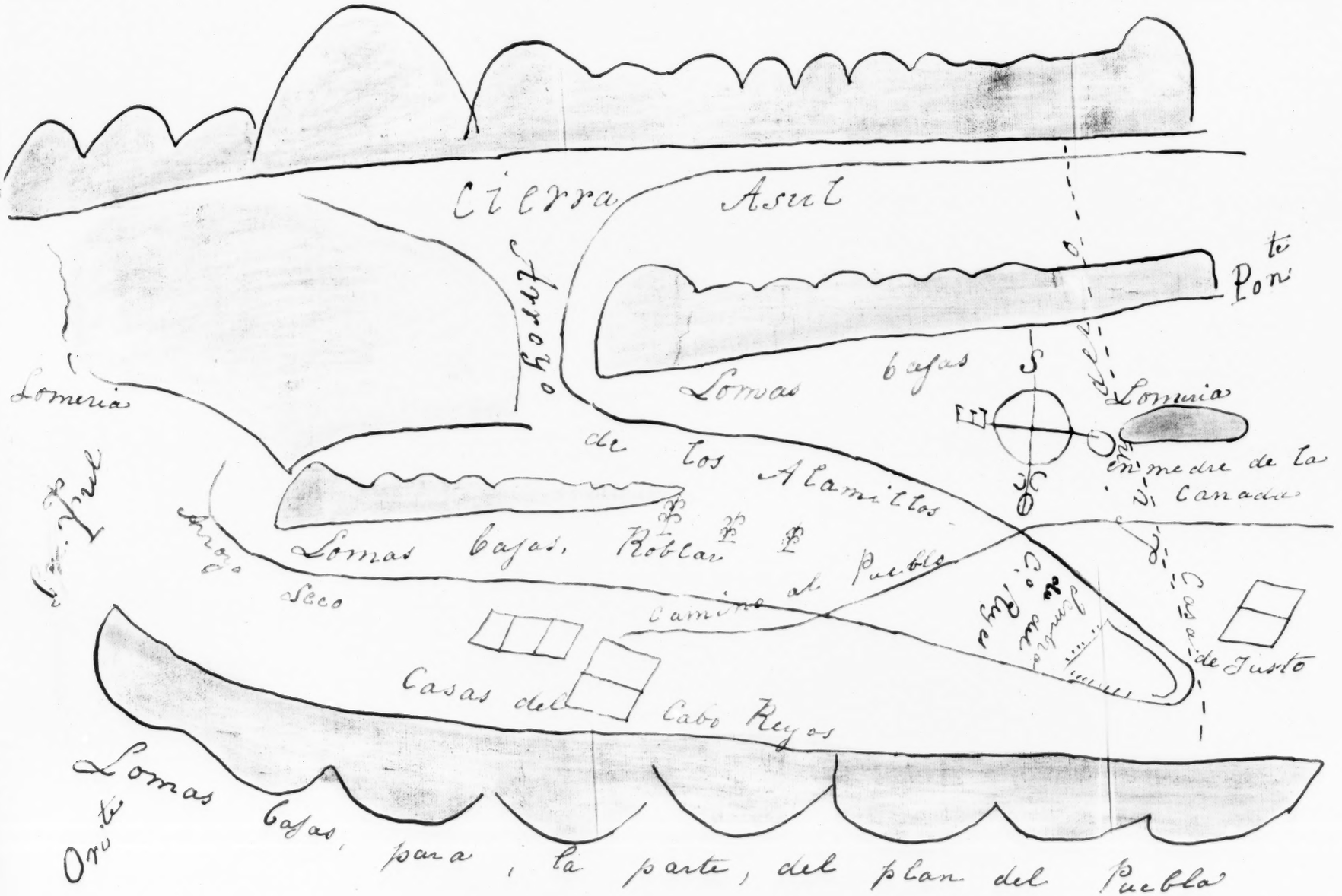
No. 222. Page 28

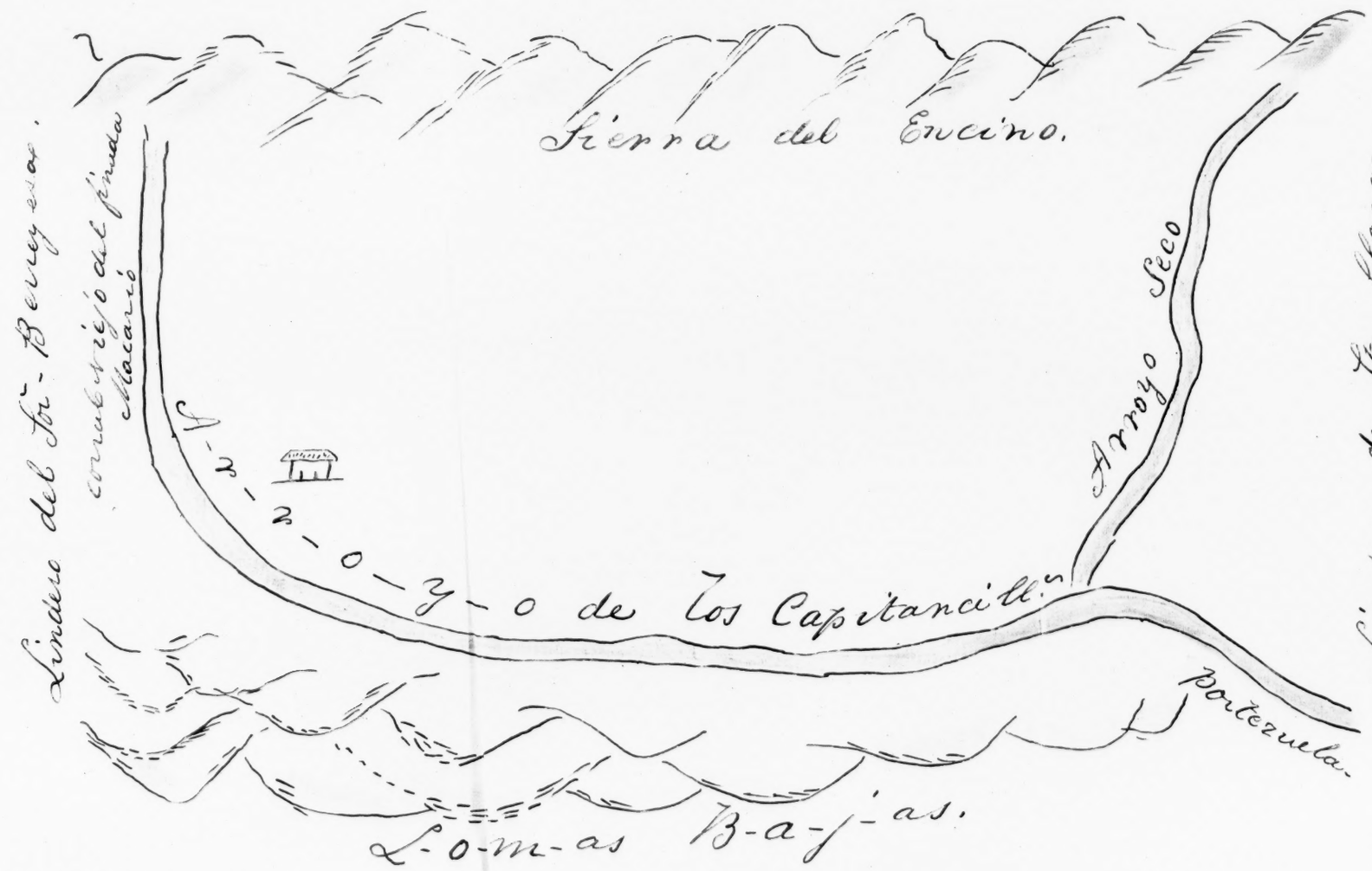



Survey No 363
Auguste Chouteau under
Laclede Leguest
1031 arpens = 85-3-37 acres
A
Creek
Survey No 2017
James Meaday
285 arpens = 245 acres
N 76° W 1056
S. 23° 12' W. 21.40
A
Survey No 298
Joseph Philibeau
100 arpens = 85.07 acres
Scale 80 chains to an inch.

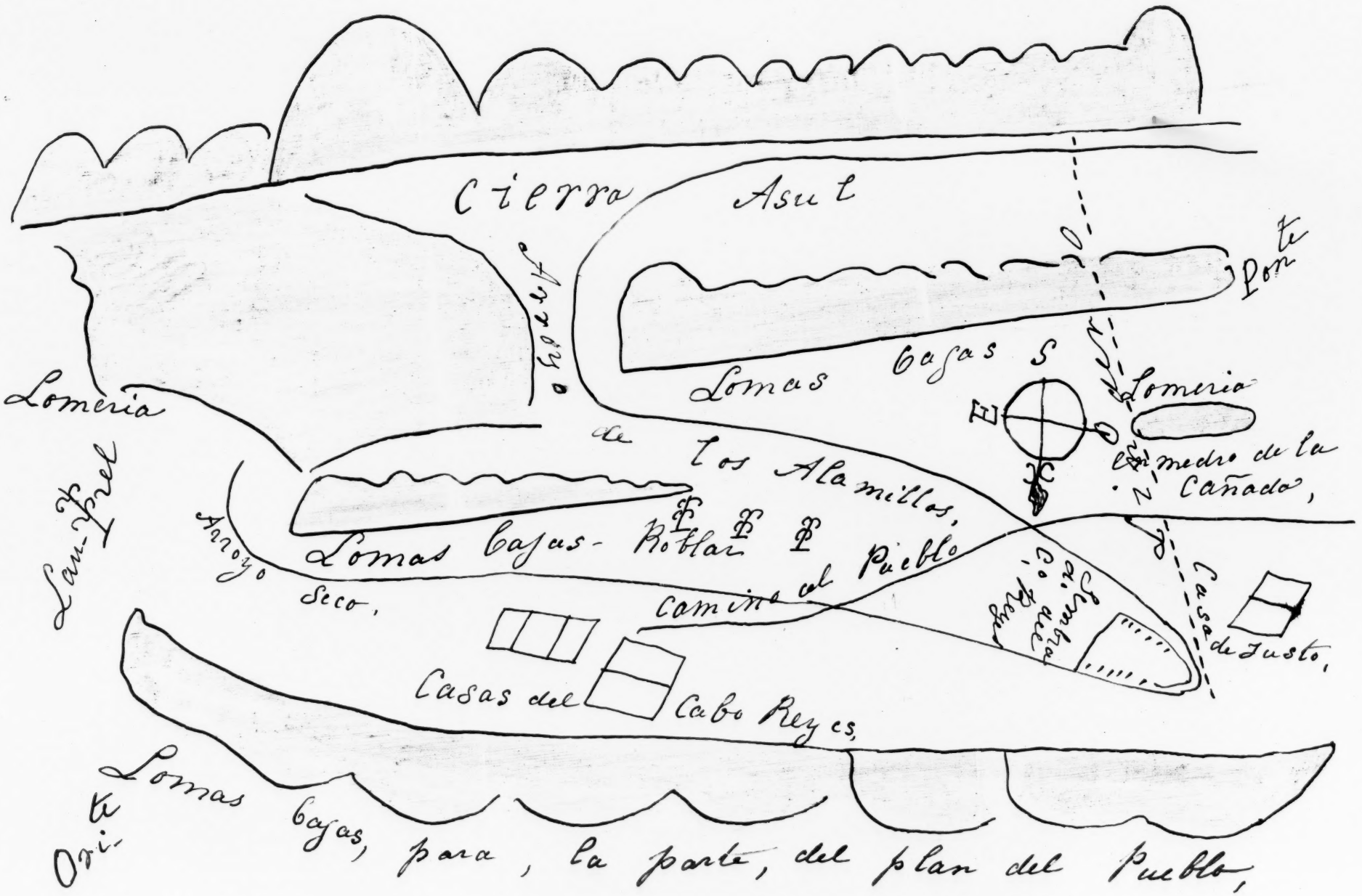

Rancho de Jose Ma. Amador
Valle de Jose
Arroyo de la Laguna de Jose Amador
Arroyo seco
Arroyo seco
Arroyo seco


Nº 224. Page. 16
Map. 14
Sierra de los Volgare
Arroyo de Josa
Linderos de Arandor


Cierra Asul
Lomas bajas
Lomas bajas
Lomas bajas, Robles
Casas del Cabo Reyes
Lomas bajas, para, la parte, del plan del Pueblo



El terreno q. demuestra este distrito comprende una Legua poco mas ó menos.


Cierra
Asul
Lomas
Casas
Lomeria
Lomeria
de los Alamillos,
Lomas bajas- Potlar
Arroyo Seco,
camino del Pueblo
Casas del
Cabo Reyes,
Lomas bajas, para, la parte, del plan del Pueblo,
Casa de Justo,
N. Cañada,

No 227 - [illegible]

No 227 Book of maps (No 1)

T. 7 S. R. 11 W. | No 21 R. 11 W.

MAP

of the

RANCHO: SAN VICENTE,

CANNADA

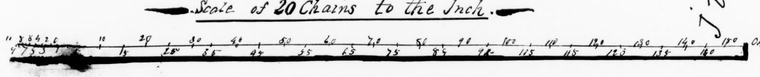
DE LOS CAPITANCILLOS.

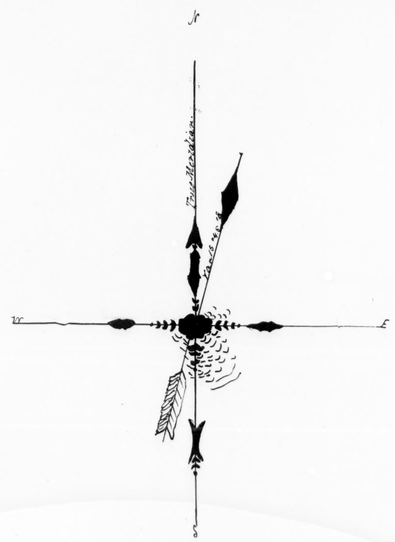
belonging to the heirs of José R.

Berreyesa.

Surveyed by Bedney F. McDonald, in the months of January and February 1856.

Scale of 20 Chains to the Inch.





True Co

No.	Courses	Distances
A-B	From A to B	
	S 18° 51' W	7.99 Chs.
1	S 18° 51' W	280. 41 Lks.
2	S 72° 15' E	2. 39 "
3	S 70° 15' E	4. 78 "
4	S 82° 30' E	14. 20 "
5	S 52° 07' E	4. 78 "
6	S 38° 15' E	6. 76 "
7	S 82° E	8. 37 "
8	S 63° 45' E	7. 55 "
9	S 89° 15' E	1. 20 "
10	S 85° 15' E	1. 20 "
11	S 01° E	17. 08 "
12	S 66° 15' E	147. 06 "
13	N 21° 15' E	267. 39 "
14	N 62° W	1. 79 "
15	N 26° W	27. 84 "
16	N 18° 15' W	2. 15 "
17	N 29° W	13. 76 "
18	N 39° 15' W	12. 47 "
19	N 81° 45' W	3. 67 "
20	N 78° 15' W	29. 02 "
21	N 76° 15' W	6. 97 "
22	S 70° 45' W	9. 34 "
23	S 86° 15' W	24. 60 "
24	N 81° 45' W	9. 50 "
25	N 54° 15' W	95. 44 "
	From A-B	T 8 S. R 12.
B-7	S 13° 15' E	3. 74 Chs.
7-8	N 13° 75' W	4. 24 "
8-25	N 4° 30' E	5. 28 "
2.38	West	3. 50 "
3.4	N 89½ W	16. 00 "
4.37	West	43. 96 "
5-37	N 71° 45' W	14. 32 "

28 A

This map is a true copy of the original as surveyed by [illegible]

MAP

of the

HO: SAN VICENTE, CANNADA OS CAPITANCILLOS.

g to the heirs of José R. Berreyesa

Bedney F. McDonald, in the months of January and February 1856.

Scale of 20 Chains to the Inch.

0 5 10 15 20 25 30 35 40 45 50 55 60 65 70 75 80 85 90 95 100 105 110 115 120 125 130 135 140 145 150 Chains

Lomas bujas para la parte del Plan del Pueblo

de Justo Larias

Rancho

Arroyo Seco Road

LA CRUZ

BERREYESA

Fernandez Jesus, Sierra

Dwellings

Adobe

Tanks

Fran Esca B.

Rio Lomas

Mansion Ho. Houses

Magueira

Terrenos Bajos

Corrales

Rancheria

Fence

Bajas

Cal Hills

White Rocks

Mine

Mine Hill

Sierra Salada

Sierra Morena

Sierra Azul

Sierra Nevada

Sierra Blanca

Sierra Verde

Sierra Alta

Sierra Negra

Sierra Roja

Sierra Amarilla

Sierra Gorda

Sierra Chica

Sierra Grande

Sierra Pequeña

Sierra Larga

Sierra Corta

Sierra Ancha

Sierra Estrecha

Sierra Profunda

Sierra Somera

Sierra Umbrosa

Sierra Fresca

Sierra Caliente

Sierra Fria

Sierra Templada

Sierra Tropical

Sierra Polar

Sierra Ecuatorial

Sierra Meridional

Sierra Septentrional

Sierra Occidental

Sierra Oriental

Sierra Central

Sierra Periferica

Sierra Concentrica

Sierra Excentrica

Sierra Paralela

Sierra Perpendicular

Sierra Diagonal

Sierra Horizontal

Sierra Vertical

Sierra Inclinada

Sierra Declinada

Sierra Ascendente

Sierra Descendente

Sierra Progresiva

Sierra Regresiva

Sierra Estacionaria

Sierra Movil

Sierra Fija

Sierra Variable

Sierra Constante

Sierra Infinita

Sierra Finita

Sierra Eterna

Sierra Temporal

Sierra Perpetua

Sierra Momentanea

Sierra Duradera

Sierra Efimera

Sierra Permanente

Sierra Transitoria

Sierra Estable

Sierra Inestable

Sierra Equilibrada

Sierra Desequilibrada

Sierra Armonica

Sierra Discordante

Sierra Consonante

Sierra Disonante

Sierra Melodiosa

Sierra Ruidosa

Sierra Silenciosa

Sierra Sonora

Sierra Muda

Sierra Ciega

Sierra Vidente

Sierra Luminosa

Sierra Obscura

Sierra Clara

Sierra Turbia

Sierra Limpida

Sierra Cristalina

Sierra Opaca

Sierra Transparente

Sierra Translucida

Sierra Reflectante

Sierra Absorbente

Sierra Refractaria

Sierra Conductora

Sierra Aislante

Sierra Magnetica

Sierra Electrica

Sierra Quimica

Sierra Organica

Sierra Inorganica

Sierra Viviente

Sierra Muerta

Sierra Petrificada

Sierra Fosil

Sierra Antigua

Sierra Moderna

Sierra Futura

Sierra Pasada

Sierra Presente

Sierra Historica

Sierra Prehistorica

Sierra Legendaria

Sierra Mitologica

Sierra Religiosa

Sierra Profana

Sierra Sagrada

Sierra Maldita

Sierra Bendita

Sierra Santa

Sierra Pecadora

Sierra Virtuosa

Sierra Viciosa

Sierra Buena

Sierra Mala

Sierra Justa

Sierra Injusta

Sierra Legal

Sierra Ilegal

Sierra Moral

Sierra Inmoral

Sierra Etica

Sierra Antietica

Sierra Filosofica

Sierra Absurda

Sierra Logica

Sierra Illogica

Sierra Racional

Sierra Irracional

Sierra Intelectual

Sierra Instintiva

Sierra Consciente

Sierra Inconsciente

Sierra Subconsciente

Sierra Supraconsciente

Sierra Normal

Sierra Anormal

Sierra Sana

Sierra Enferma

Sierra Curada

Sierra Incurable

Sierra Viva

Sierra Muerta

Sierra Resucitada

Sierra Inmortal

Sierra Mortal

Sierra Eterna

Sierra Temporal

Sierra Infinita

Sierra Finita

Sierra Absoluta

Sierra Relativa

Sierra Perfecta

Sierra Imperfecta

Sierra Completa

Sierra Incompleta

Sierra Total

Sierra Parcial

Sierra Unica

Sierra Multiple

Sierra Una

Sierra Dos

Sierra Tres

Sierra Cuatro

Sierra Cinco

Sierra Seis

Sierra Siete

Sierra Ocho

Sierra Nueve

Sierra Diez

Sierra Cien

Sierra Mil

Sierra Millon

Sierra Billon

Sierra Trillon

Sierra Cuadrillon

Sierra Quintillon

Sierra Sextillon

Sierra Septillon

Sierra Octillon

Sierra Nonillon

Sierra Decillon

Sierra Undecillon

Sierra Duodecillon

Sierra Tredecillon

Sierra Quattuordecillon

Sierra Quindecillon

Sierra Sexdecillon

Sierra Septendecillon

Sierra Octodecillon

Sierra Novemdecillon

Sierra Vigintillon

Sierra Centillon

Sierra Millillon

Sierra Infinitillon

Sierra Infinitesimal

Sierra Infinitesimo

Sierra Infinitesimal

Sierra Infinitesimo

Sierra Infinitesimal

Sierra Infinitesimo

Topographical PLAN of the LOMITA in the Middle of the Canada.

Scale 100 feet to one inch

28 B

No 227 - End of record (No. 2)

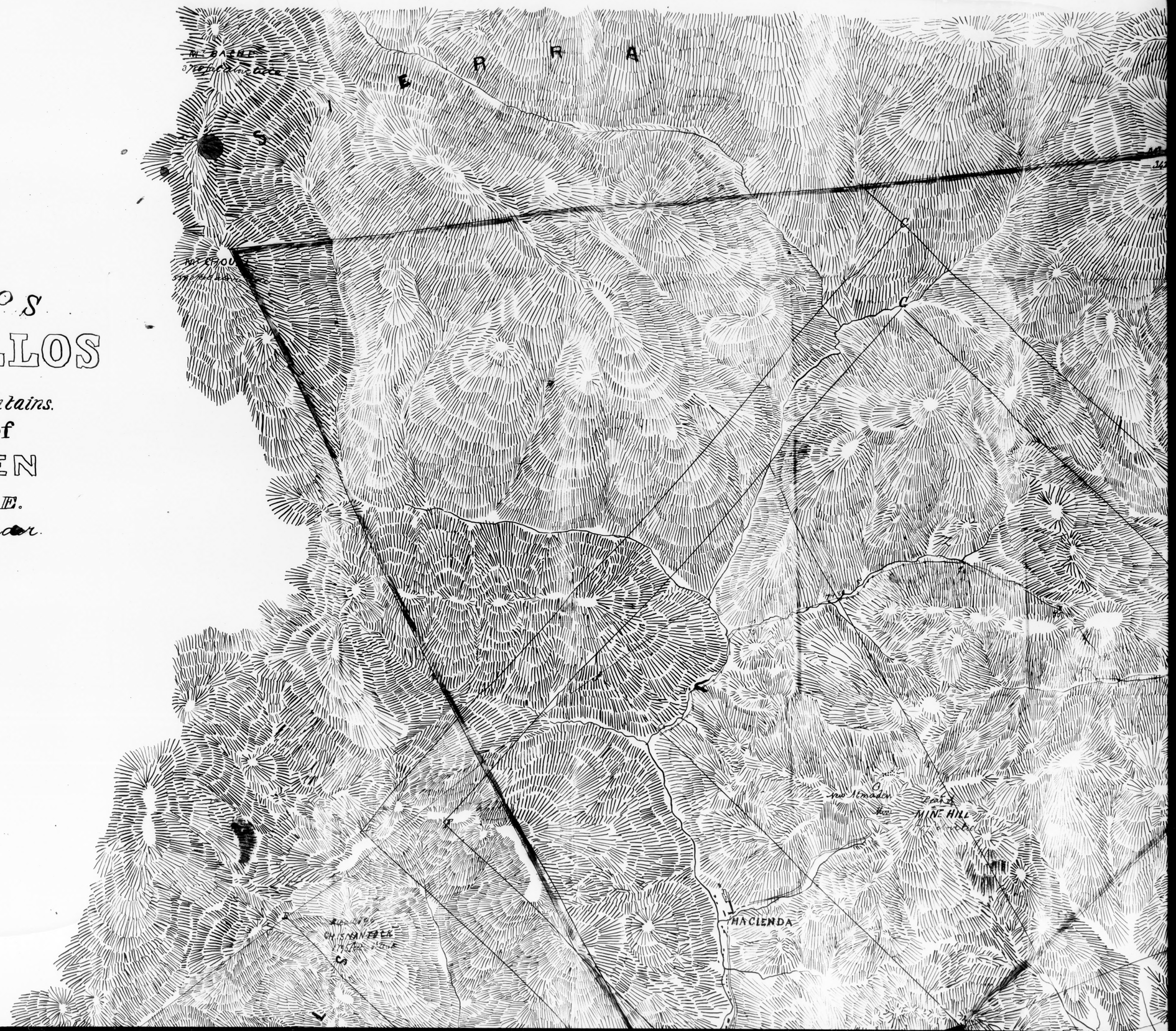
Map
for the
Canada de los
CAPITANCILLOS

and adjacent hills and mountains.
including the lands of
NEW ALMADEN

Surveyed by Wm J. LEWIS C.E.
Drawn by Vitus Wackenreuder.

JUNE: 1855.

28C



28 C

A

C

C

MT. LYELL

3430 above sea

New Almaden

Peak of
MINE HILL

HACIENDA

Rincon

Rincon

Rincon

HACIENDA

Arroyo de los Alamitos

Arroyo seco

RANCHO DE BERREYESA

PUEBLO

Rancho del Ojo de Coche
Arroyo de los
(Murphy)

Rancho de Laguna Seca (Fisher)

28C

New Almaden

Road to MINE HILL

HACIENDA

RANCHO DE JUSTO LARIAS

Milkranch

Arroyo de los Alamitos

LOMA

Arroyo Zanuncl de los Capitancillos

Arroyo Seco

RREYESA

Rancho de San Juan Bautista (Narvaez)

Rancho de Santa Teresa (Bernal)

Scale of 20 chains to one inch.

28 C

No 813.

A. P. L. Exhibit to the deposition of Hans Patten January 8. 1855

Juan M. Luco. et al.

Ulpines

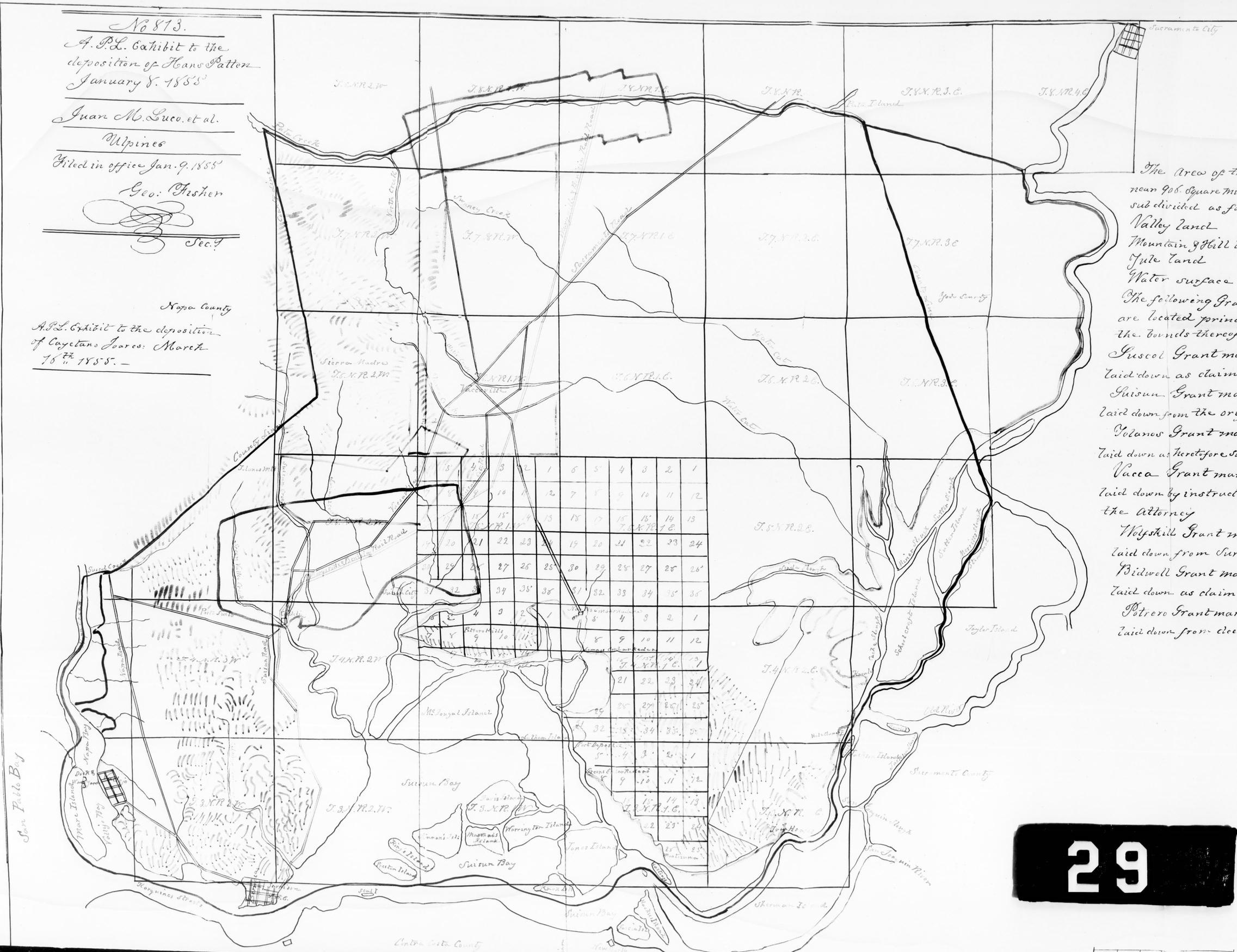
Filed in office Jan. 9. 1855

Geo: Fisher

Sec. f

Napa County

A.P.L. Exhibit to the deposition of Cayetano Joares: March 7th 27th 1855. —


Sacramento City
T.6.N.R.2.W
T.8.N.R.1.W
T.8.N.R.1.E
T.8.N.R.2.E
T.8.N.R.3.E
T.8.N.R.4.E
Rio Vista Island
Rio Vista Creek
Suisun Creek
Sacramento River
T.7.N.R.1.W
T.7.N.R.1.E
T.7.N.R.2.E
T.7.N.R.3.E
Yolo County
Sierra Madre
T.6.N.R.2.W
T.6.N.R.1.E
T.6.N.R.2.E
T.6.N.R.3.E
Vaca Mountains
Napa Creek
Napa Valley
Napa County
T.5.N.R.3.W
T.5.N.R.2.W
T.5.N.R.1.E
T.5.N.R.2.E
T.5.N.R.3.E
Mt. Vaca
Suisun Creek
Suisun Valley
Green Valley
Solano County
Petrero Hills
Spring Branch
T.4.N.R.3.W
T.4.N.R.2.W
T.4.N.R.1.E
T.4.N.R.2.E
Mt. Vaca
Mt. Diablo Base & Meridian
Mt. Diablo
Mt. Zonyal Islands
Chain of Islands
Fort Sacramento
Grizzly Island
Suisun Bay
T.3.N.R.2.W
T.3.N.R.1.E
T.3.N.R.2.E
T.3.N.R.3.E
Simmon's Island
Monroe's Island
Warrington Islands
Roe Island
Bolton Island
Collinsville
Tonez Island
Chain Islands
Sherman Island
Contra Costa County
Carquinez Straits
San Pablo Bay
Mare Island
Vallejo
Napa River
Dock &
Foundry
Yard
Navy Yard
Point Pinole
Point Pinole Road
Solano Road
Suisun Road
Sacramento Road
Benicia Road
Benicia
Benicia Arsenal
Benicia Barracks
Benicia Cemetery
Benicia Water Co.
Benicia Water Works
Benicia Water Co.
Benicia Water Works
Benicia Water Co.
Benicia Water Works

No 813.

. Exhibit to the
ion of Hans Patton
ary 8. 1855

M. Luco. et al.

lpines

fice Jan. 9. 1855

Geo: Fisher

Sec. 7

Napa County

to the deposition
oares: March
. —

The Area of the County is
near 906. Square Miles or 587.000 acres
sub divided as follows.

Valley land	292.000 ac
Mountain & Hill land	153.000 "
Tule land	92.000 "
Water surface	43.020 "

The following Grants of land
are located principally within
the bounds thereof

Guicol Grant marked
laid down as claimed 82.700

Suisun Grant marked
laid down from the original maps

Solanos Grant marked
laid down as heretofore Surveyed 73.020

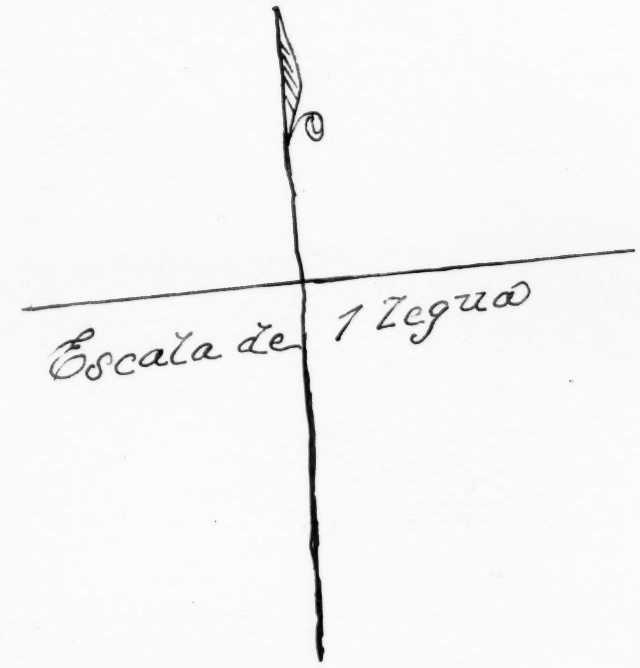
Vacca Grant marked
laid down by instructions from
the Attorney 43.402

Wolfskill Grant marked
laid down from Survey — 17.355

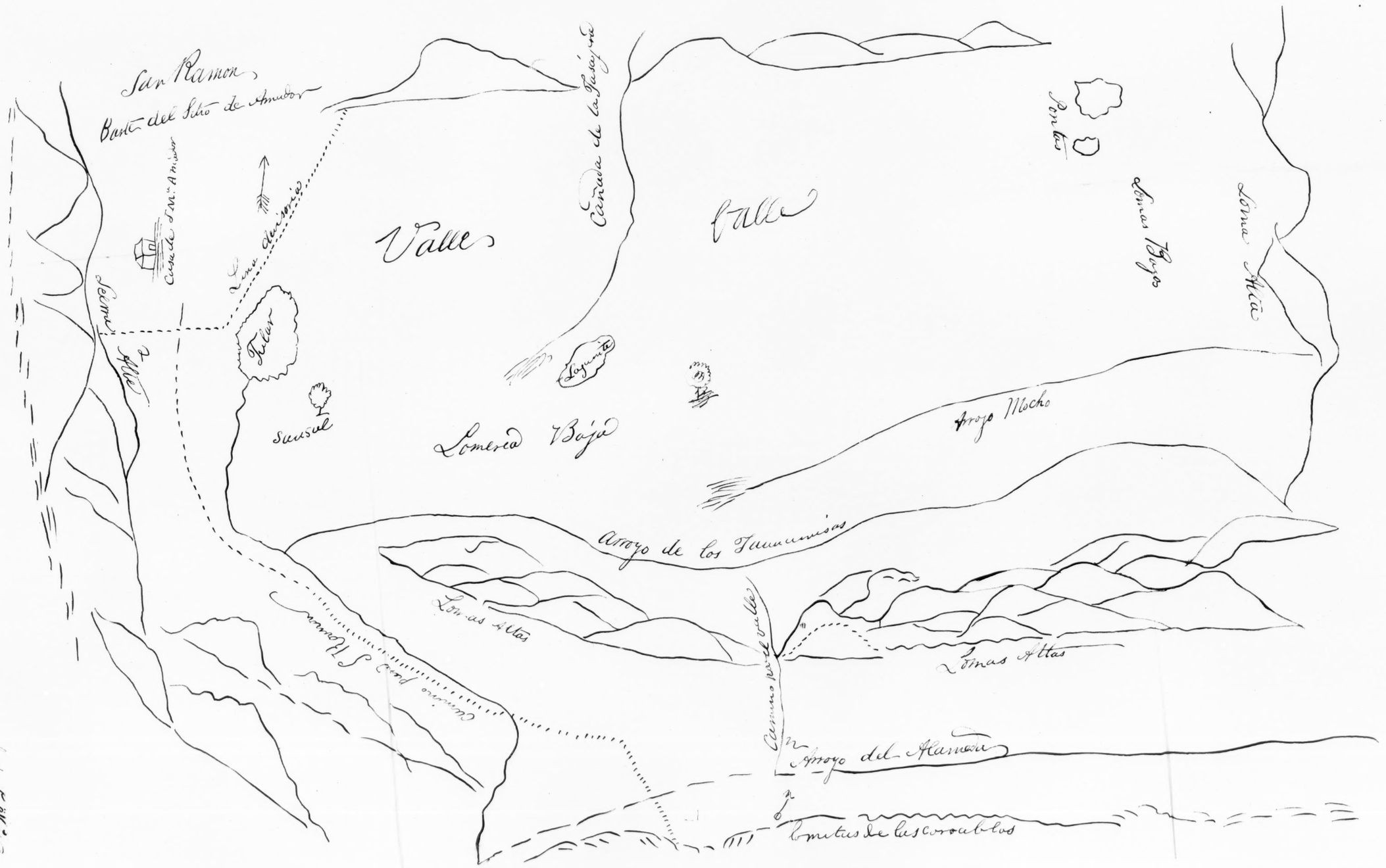
Bidwell Grant marked
laid down as claimed 17.361

Potrero Grant marked
laid down from deed 284.000

29



[Note - The Original from which this is taken is in lead pencil only
S. D. King.]


San Ramon
Barrio del Sitio de Amador
Casa de D.n A.nio Amador
Casa de Campo
Valle
Cañada de la Pasajera
Valle
Cerros Bayos
Loma Alta
Selma y Valle
Pelon
Sansul
Lomerio Bajo
Laguna
Arroyo Mocho
Arroyo de los Tumunisas
Lomas Altas
Camino para el valle
Lomas Altas
Arroyo del Alamo
Lomitas de las Corcovados

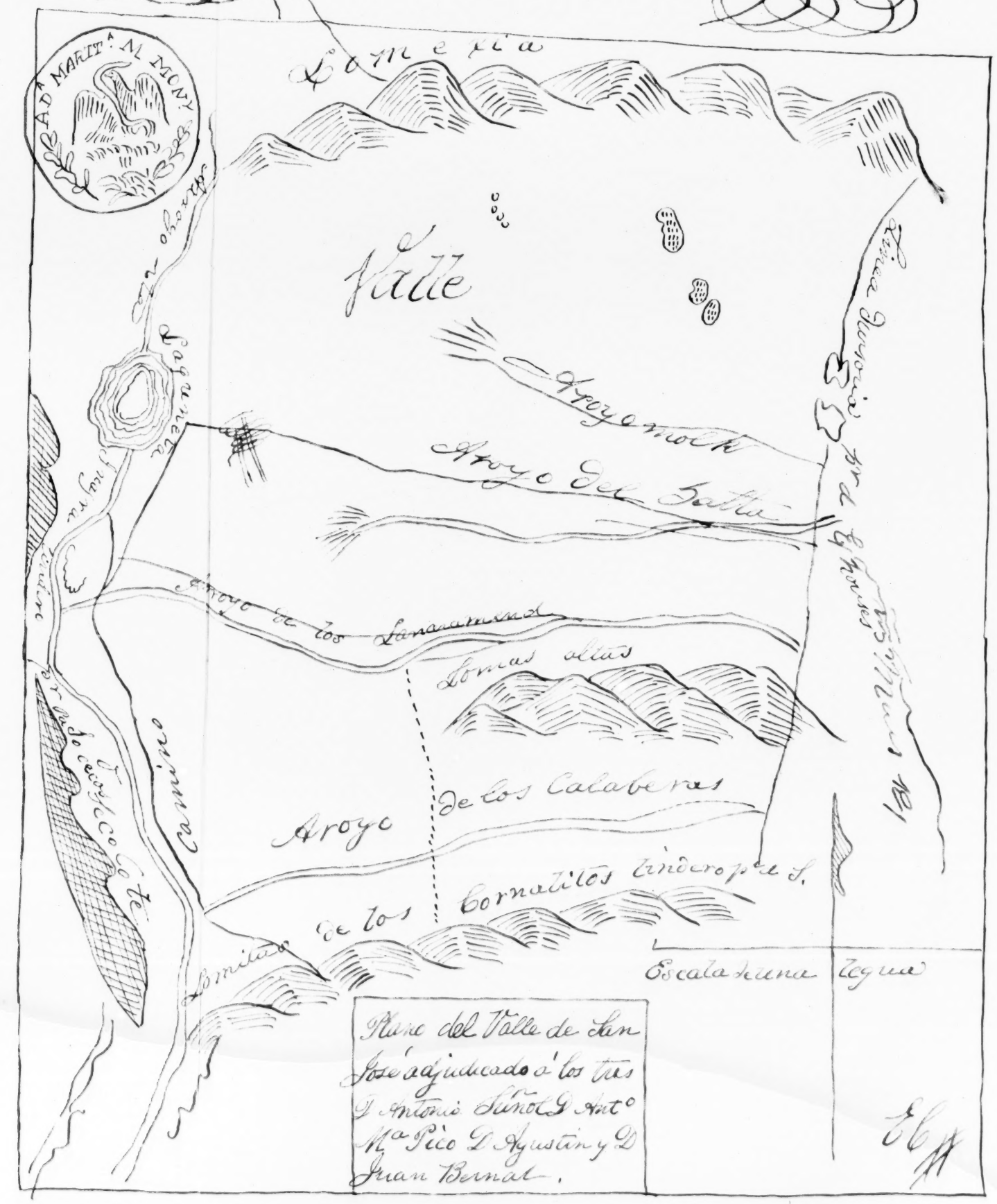
31

Nº 243 - page 33.

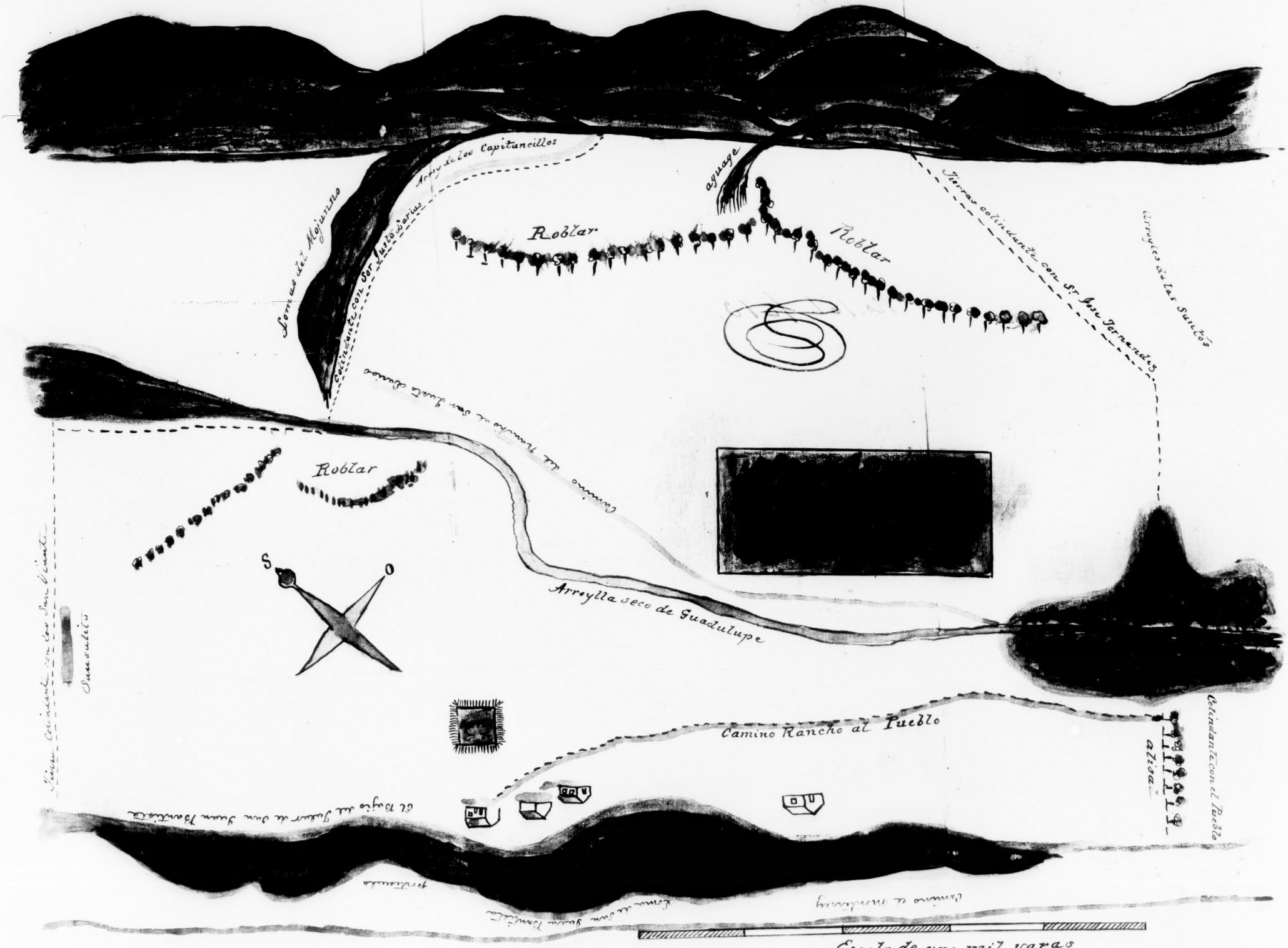
Sello Tercero dos Reales

Habilitado provisionalmente por la Aduana Maritima del puerto de Monterrey, en el Departamento de las Californias para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno Alvarado

Antonio Maria Osio

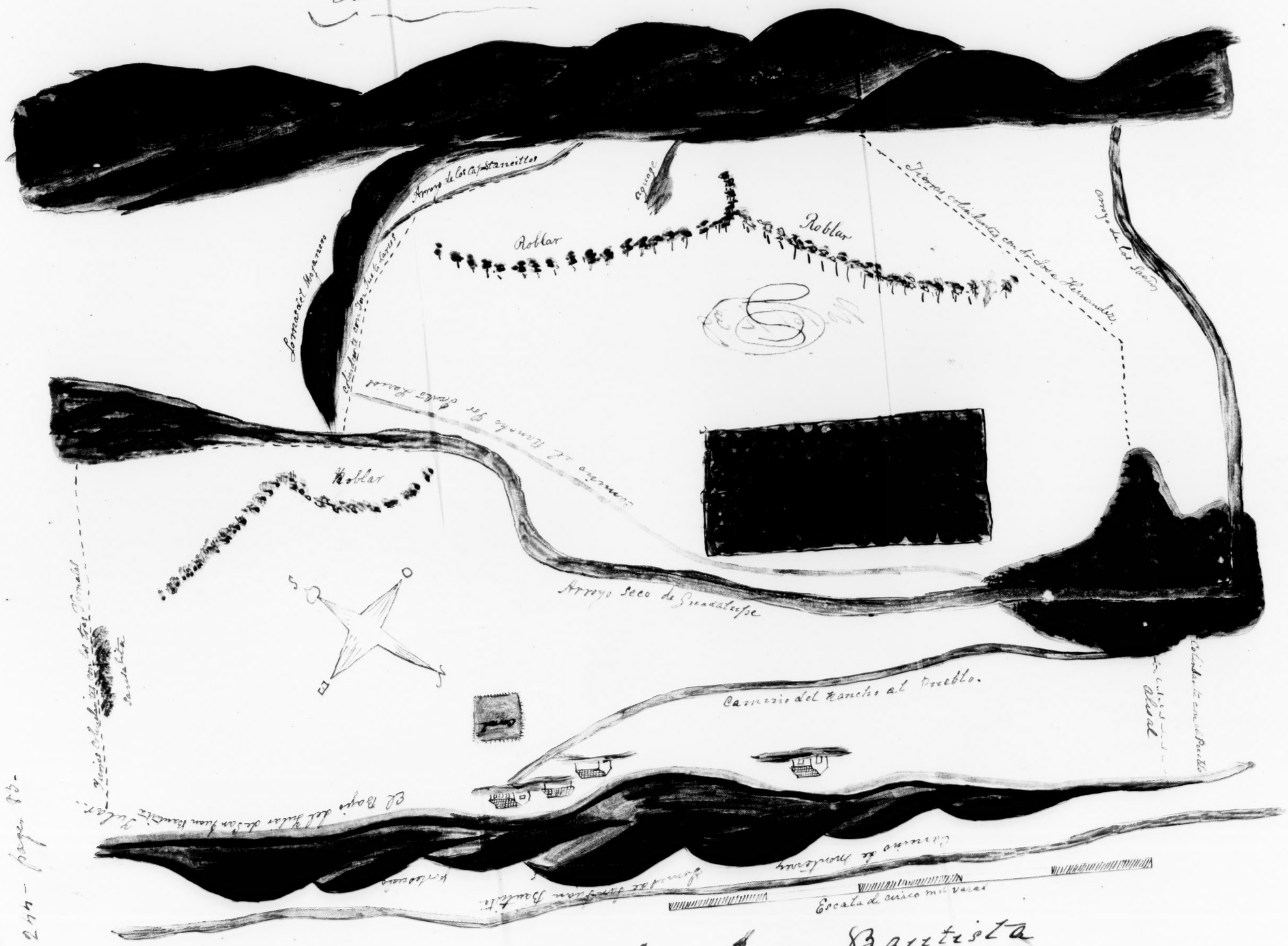

Admª Marit.ª Mty.
Comercia
Valle
Arroyo
Arroyo del Valle
Arroyo de los Llanitos
Lomas altas
de los Calaveras
Arroyo
de los Cornalitos
Escala de una legua
Rancho del Valle de San José adjudicado á los tres Sres Antonio Sánchez Antº Mª Pico D. Agustin y D. Juan Bernal.

32



Deseño del Rancho de San Juan Bautista

2u S.L.R



Diseño del Rancho de San Juan Bautista

No 244 - Caja 88

No. 240. U. S. v. Marchs fsa. 22.—

No. 213

Exhibit & No. A.H.
annexed to Deposition of
J.E. Whitaker

Filed in Office Oct 24. 1853
Geo Fisher
Clerk

35

Sec'y

Sec'y

Cerro de los Cuelos

Salt Pond

Road

Base Line

Brazos Valley

Deer Valley

Water

Water

Valley

Valley

Valley

Live Oak

Road

Lone Tree

Road

Fine between ranges

Fine between ranges

Fine between ranges

35

RANCHO DE LOS MEGANOS

Base Line

Line between ranges 2 and 3 East

Line between ranges 1 & 2 East

Line between Townships 1 & 2 North

Brushes Valley

Deer Valley

Kirker Valley

Walton Valley

Walton

Live Oak

Live Oak

Road

Road to Neptune

Road to the Pacific

Road to Los Medanos

Fuller

Fuller

Fuller

Salt Ponds

Base Line

Road

Line between ranges 2 and 3 East

Road

Road

Road

Road

Road

Road

Road

Road

Road

Line between Townships

Line between Townships

Valley

Valley

Valley

RANCHO DE LOS MEGANOS

RÓBLE E

PLAINS

Brushes Valley

Deer Valley

Walnut Valley

Dense

Valley

Live Oak

Pass Line

Line between Ranchos

Line between Townships

Road

Road to Marsh's Landing

Road from Antioch

Marsh's Landing

Antioch

Marcas Landing

Surveyed By H. Whitcher Dep't Surv.

35

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Cerrito de la cruz

Torre de los Tres Hermanos

Monte de Olivos

Monte de la Cruz

Monte de la Cruz

Monte de la Cruz

arro de los la gones
Montaña de los Buljones
Corrito de la cuba Berada para los Meganos
Lomeria
Lomerias
Lindero a los Indis de los a Sur
Megan
Charcesa
Poblal
Julan

37

38

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Mountainous

Cerro de la Cuesta

Salt Fork

Deer Creek

Briones Valley

Horse Creek Valley

Dr. J. M. Archie

Residence

Arroyo de los Pozuelos

Between Ranges

52 093.16 Acres

Mountainous

Some Trees

Some Trees

Base Line

Dr. F. M. Marks

Residence

Briones Valley

Deer Horse

Live oak trees along the valley creek

Live oak

Spring

Road to New York of the Pacific

Arroyo de los Robles

Between Ranges

N. 88° E. 57.20

52043.16 Acres

Township No. 2 North

N. 120.50

38

Saltwater

High hills

Soda Springs

Briones valley

Deer Horn Springs valley

Three Forks the Lorenzo creek

Dr. J. M. Wells Residence

Base line

Salt Pond No 1

N. 89° E. 57.25 m

Arroyo de los Vaqueros

Between Ranchos

Road

Tulare Plains

Road from Stockton to Martinez Landing

Between Rancho Los Medanos

Salt Ponds

Tule

1.47.2 Acres

530.3.15 Acres

38

Deer
Horse
Briones
Residence
Dr. J. M. Wells
Base Line
Between Ranges
Road
Road to Stockton to Marsh's Landing
Between Rancho
Rancho
Marsh's Landing
Road to New York of the Pacific
Creek
Valley
Creek
Spring
Pasture Oak
Tree
Tree
Tree